

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1379 OF 2003

The State of Maharashtra)....Appellant
(Org.Complainant)

V/s.

- 1) Vishnu Santu Jamdar)
Age about 75 years, Occ. Agri)
- 2) Rejendra @ Rajaram Vishnu Jamdar)
Age about 27 years, Occ.Service)
- 3) Ashok Vishnu Jamdar)
Age about 39 years, Occ. Agri)
- 4) Subhash Vishnu Jamdar)
Age about 36 years, Occ. Service)
- 5) Kiran Bhagwan Waghmare)
Age about 26 years, Occ. Education)
- 6) Sarjerao Dadu Patil)
Age about 29 years, Occ. Agri)
- 7) Babaso Shankar Patil)
Age about 29 years, Occ. Agri)
- 8) Ananda Dattu Patil)
Age about 25 years, Occ. Agri)
- 9) Kondiba Chandrappa Patil)
Age about 70 years, Occ. Agri)
[As per Court's order dated 4.1.2029)
appeal stands abated])
- 10) Rangrao Yashwant Patil)
Age about 31 years, Occ. Agri)

11) Mansing Vishnu Patil)
Age about 26 years, Occ. Agri)

All r/o Nerle, Tal. Shahuwadi,)
Dist. Kolhapur)Respondents
(Org.Accused nos.1 to 11)

Ms.Anamika Malhotra APP for appellant-State.
None for respondents.

CORAM : K.R.SHRIRAM,J
DATE : 24.2.2020

ORAL JUDGMENT:-

1. This is an appeal impugning an order and judgment passed by the Judicial Magistrate First Class, Malkapur at Shahuwadi on 18.8.2003 acquitting the respondents (accused) of offences punishable under Sections 324 (*Voluntarily causing hurt by dangerous weapons or means*), 148 (*Rioting, armed with deadly weapon*) and 149 (*Every member of unlawful assembly guilty of offence committed in prosecution of common object*) of the Indian Penal Code (IPC).

2. Learned APP Ms.Malhotra states that respondent no.9 has died and therefore, appeal against respondent no.9 is abated.

3. As regards the other accused, learned APP states that it is settled law that if two views are possible, the appellate Court should

not interfere. Learned APP states that having considered the impugned judgment and the evidence, the view taken by the trial Court is a possible view and cannot be faulted with. Therefore, true to her role as an officer of the Court, learned APP submits that the Court may dismiss the appeal.

4. In view of this candid statement of the learned APP which is appreciated by the Court, appeal dismissed.

(K.R.SHRIRAM,J)