

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**CRIMINAL APPEAL NO.728 OF 2019**

(Tejraj @ Raj Gowardhan Indurkar ..vs.. State of Maharashtra, through PSO, Ranapratap Nagar,  
Nagpur and others)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Shri G.L. Agrawal, Counsel (appointed) for the appellant,  
Shri V.A. Thakre, Addl.P.P. for the respondent/State.

**CORAM : ROHIT B. DEO, J.**

**DATED : 21-02-2020**

The complainant is assailing the judgment of acquittal.

2. Respondents 2 and 3 were arrayed as accused 3 and 4 in a private complaint preferred by the appellant under Sections 448, 323, 504 and 506 Part-II read with Section 34 of the Indian Penal Code.

3. Two reasons are given by the trial Court for acquitting the accused. The first reason is that although the complaint referred to certain eyewitnesses, no independent eyewitness was examined and other than the complainant only his son stepped into the witness box. The other reason is that while the medical certificate was placed on record, the doctor was not examined. Additionally, the trial Court has appreciated the evidence to conclude that the version of the complainant did not appear to be probable.

Illustratively, the complainant who was the tenant and accused 2 who was the landlord had strained relationship, yet, according to the complainant, he had gone to the house of the accused 2 to fetch water. This is viewed by the trial Court as unnatural.

4. In my considered view, there is no apparent error as would impel this Court to interfere in the judgment of acquittal. The appeal is dismissed.

5. The fees of the learned Counsel appointed for the appellant be quantified and paid in accordance with the rules.

**JUDGE**

*adgokar*