

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

CRIMINAL APPLICATION (APPA) NO.1003/2019
IN CRIMINAL APPEAL NO. ____/2020

Smt. Vijaya w/o Madhukar Yete .vs. State of Maharashtra through PSO P.S.
Parseoni, Dist. Nagpur and anr.

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

Court's or Judge's orders.

Mr. R. D. Thakur, Advocate for applicant.
Mr. N. B. Jawade, A.P.P.for non applicant no.1-State

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 08, 2020

Heard Mr. R.D. Thakur, learned counsel for applicant, Mr. N.B. Jawade, learned Additional Public Prosecutor for non applicant-State. Mr. R.S. Kurekar, learned counsel for non applicant no.2 chose not to remain present when this application is taken up for hearing.

2. The present appeal is filed against judgment and order of acquittal passed by learned Judicial Magistrate First Class, Parsheoni, Nagpur dated 03.05.2019 in Regular Criminal Case No.66/2018. By the impugned judgment, the learned Magistrate acquitted respondent no.2 of the offence punishable under Sections 447, 504 and 506-B of the Indian Penal Code.

3. In order to prove charge, the prosecution has examined in all four witnesses. They are; Ashok Bhedre

(PW1), Vijaya Yete (PW2), Indrapal Bajanghate (PW3) and investigating office (PW4). As per evidence of Vijaya Yete (PW2), the incident had occurred in the agriculture field at Karbhand. Her evidence would show that that time she went there for strolling and respondent no.2 showed his right to cultivate the said field. When he was obstructed, he used abusive words. According to Vijaya (PW2), that time Ashok Bhedre (PW1) was present. Evidence of Ashok (PW1) corroborates the version of Vijaya (PW2). He only proves the spot panchanama. Indrapal Bajanghate (PW3) though was examined by the prosecution as eye witness. But his evidence would show that his evidence is an hearsay evidence. Therefore, in my view, learned Magistrate has not considered his evidence rightly. Learned Magistrate found that none of the ingredients were found to be proved after scanning the evidence of Vijaya (PW1).

4. After perusing the matter, I find no perversity in the impugned order. No case is made out by the applicant. The application is, therefore, rejected. Consequently, the appeal is also dismissed.

JUDGE