

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.1217 OF 2005**

The State of Maharashtra ....Appellant

V/s.

Pandharinath Vitthal Thopte ....Respondent

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Mrs. Anamika Malhotra, APP for State - Appellant.

Mr. Milind Deshmukh for respondent.

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**CORAM : K.R.SHRIRAM, J.  
DATED : 26<sup>th</sup> FEBRUARY 2021**

**P.C. :**

1           This is an appeal impugning an order and judgment dated 24<sup>th</sup> November 2004 passed by the Judicial Magistrate First Class, Ghodnadi, Pune, acquitting accused of offences punishable under Sections 341, 504 and 506 of the Indian Penal Code.

2           At the outset, I have to note that the offence alleged is of 7<sup>th</sup> September 1979. The charge was framed on 13<sup>th</sup> May 1996 and an additional charge under Section 341 was framed some time in the year 2001. The evidence recorded does not make sense. Original accused nos.1 and 2 have already died. There is already an acquittal. The appeal has been lodged in 2005. Even for a moment we assume that the order of acquittal has to be reversed and is reversed (a) there is no evidence under Sections 504 and 506 and (b) under Section 341 punishment is a maximum of one month or fine which may extend to five hundred rupees or both.

3           After perusing the order and keeping in mind the larger considerations of justice like the incident being nearly 42 years old and the sentence which would be awarded to respondent even if he is convicted, I am of the view, that no case for interference is made out with the impugned order.

4           In the circumstances, the appeal is dismissed.

Gauri A.  
Gaekwad

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(K.R. SHRIRAM, J.)