

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

CRIMINAL REVISION APPLICATION (REVN) NO.69 OF 2019

(Sau. Rekha Akash Gore Vs. The State of Maharashtra thr. PSO PS Malegaon, Tah.
Malegaon, Dist. Washim and others)

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

Court's or Judge's orders.

Mrs. S.P. Giratkar, Advocate for Applicant.
Mr. N.R. Rode, APP for Respondent 1/State.
Mr. Ved R. Deshpande, Advocate for Respondents 2 to 5.

CORAM: ROHIT B. DEO, J.

DATE: 2nd AUGUST, 2021.

The applicant lodged report dated 07.06.2010 with Police Station Malegaon, District Washim alleging that her husband Akash and other members of the matrimonial family ill-treated her in order to pressurize her to fetch dowry of Rs.20,000/-.

2. The applicant alleged that she was assaulted on 19.03.2010 and dropped at her parental home at Ansing. The applicant's father escorted her back to the matrimonial home and again on 26.04.2010 she was assaulted.

3. On the basis of such report, offence punishable under section 498-A read with section 34 of the IPC was registered. Investigation proceeded on the usual lines. The accused were tried and found not guilty by the judgment dated 12.05.2014 rendered by the learned

Magistrate in Criminal Case 112/2010.

4. Being aggrieved, the applicant preferred Criminal Appeal 19/2014, which is dismissed by the learned Additional Sessions Judge, Washim vide judgment dated 20.06.2017.

5. Mrs. Giratkar would submit that the first information report was not correctly recorded. The submission is noted only as a courtesy to the counsel. No complaint was preferred against the policeman who recorded the report and in any event such a contention is not raised anywhere in the trial.

6. The next submission is that the courts gave undue importance to the delay in lodging the report. In my considered view, both the courts were absolutely right in giving due weightage to the unexplained delay in lodging the report. In any event, the view is a plausible view and I cannot, in exercise of revisional jurisdiction venture to hold otherwise.

7. The other submission is that the evidence on record was not appreciated properly. Such ground is not available in revisional jurisdiction. The limitations of revisional jurisdiction are well settled. It is not demonstrated that the findings are perverse or that there is a manifest error, procedural or substantive, as has

occasioned miscarriage of justice.

8. The presumption of innocence is only strengthened by acquittal. In the present case, the acquittal is recorded by the trial Judge and the Appellate Judge. I see no reason to admit the revision.

9. The revision is dismissed.

JUDGE