

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 143 OF 2019
(For leave to file appeal)**

The State of Maharashtra	..Applicant
Versus	
Sandip Bhiku Shinde	..Respondent

Mr. V. B. Konde-Deshmukh, APP for Applicant.
Mr. Mohan Devkule for Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 1st APRIL 2022.**

PC :

1. This is an application for leave to file Appeal against the Judgment and order passed by learned Judicial Magistrate, First Class, Ghodegaon in R.C.C.No.105 of 2015 dated 08/09/2017.
2. Heard Shri. Konde-Deshmukh, learned APP for the State and Shri. Mohan Devkule, learned counsel for the Respondent.
3. The prosecution case is that, on 17/06/2015, accused assaulted Anjana Thorat the first informant and PW-2Vijay Thorat who was Anjana's son with sticks and stones. Both of them

suffered bleeding injuries. Besides them, the prosecution has examined PW-3 who was a pancha, who turned hostile and PW-4 Chitra Vijay Thorat who is daughter in law of the first informant. Learned Magistrate in paragraph No.12 of his order has observed that the prosecution had not examined any independent eye witness. The prosecution had not proved the spot panchanama. More importantly, injuries to the informant and PW-2 were not proved. I.O. was not examined. Seizure of sticks is not proved. Blood stained clothes were not seized. The incident had allegedly taken place on 17/06/2015 and the F.I.R. was lodged on 23/06/2015. The delay is unexplained. On all these counts the accused was acquitted. The reasons given by learned Magistrate are sufficiently cogent. It is a possible view taken by learned Magistrate. Therefore, there is no reason to interfere with his Judgment and order.

4. Hence, leave is not granted. With these observations the application is rejected.

(SARANG V. KOTWAL, J.)