

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

CRIMINAL REVISION NO.28 OF 2021

Vilas Uttam Wankhede

Vs.

State of Maharashtra through PSO PS Shirpur, 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

Mr. S. A. Shah, Advocate for applicant.

Ms. S. Z. Haider, APP for respondent No.1.

Mr. V. B. Gawali, Advocate for respondent Nos.2, 3 and 4.

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/01/2022

Heard Mr. Shah, learned counsel for the applicant and Mr. Gawali, learned counsel for the respondent Nos.2 to 4.

2. The revision challenges the concurrent finding rendered by the learned Judicial Magistrate First Class as well as the learned Sessions Court acquitting the respondent Nos.2 to 4 for the offence punishable under Sections 294, 323 and 506 read with 34 of the Indian Penal Code. The learned Judicial Magistrate First Class has categorically observed that there are no averments in the complaint, regarding any assault by the accused to the complainant which is the ground and so also, there is no independent witness ascertaining to the allegation of assault. The learned Sessions Court has also in its judgment found that there is previous animosity between the complainant and accused on account of which, it was

necessary for an independent witness to have been examined, as the incident had occurred at about 8.00 p.m., which has not been done, and therefore, story put-forth by the complainant of assault has been disbelieved. Nothing has been brought to my attention, so as to enable me, to take a different view, from the concurrent findings rendered by the Court below, considering which, I do not find any merit in the criminal revision and the same is accordingly dismissed.

JUDGE

Sarkate