

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.130 OF 2022

**KISHOR PRALHAD KUMAVAT
VERSUS
YUVRAJ SHIVLAL KUMAVAT**

Mr. S. R. Dheple, Advocate for the applicant

CORAM : R. M. JOSHI, J.

DATE : 25th JULY, 2023

P.C. :-

1. Heard.
2. Learned counsel for the applicant states that the Trial Court has committed error in acquitting the accused for the offences punishable under Sections 500 and 504 of the Indian Penal Code, without considering the material evidence on record.
3. Perusal of the impugned order shows that the Trial Court has taken into consideration the entire evidence on record and has arrived at a finding that there is no sufficient evidence to prove the charge against the accused. It is also observed that having regard to the history of dispute between the accused and the informant an accused the charge is not proved beyond shadow of reasonable doubt. Considering the material

evidence on record no fault can be found with the said order of acquittal.

4. The law on the point of entertaining appeal against the acquittal is fairly settled. The appeal against acquittal cannot be entertained casually. Unless it is shown that the Trial Court while acquitting the accused has wrongly considered in evidence on record or the evidence which is placed on record is ignored, no interference in such order is permissible. The case of the present applicant No.1 is not covered under both eventualities. In such circumstance no case is made out for granting leave to file appeal against the acquittal. Hence applications stands dismissed.

(R. M. JOSHI, J.)

ssp