



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

**APPLICATION FOR LEAVE TO APPEAL BY PVT. PARTY  
NO. 108 OF 2018**

Shrimanti Pancha Bhosale  
Age: 43 years, Occu.: Household,  
R/o. Nipani Jalgaon, Tal.Pathardi,  
Dist.Ahmednagar.

....Applicant  
(Orignl. Complainant)

Versus

1. The State Of Maharashtra  
Through Police Station Pathardi,  
Tal.Pahardi, Dist.Ahmednagar.
  2. Ashok Mahadev Dhekne  
Age: 58 years, Occu.: Service,  
R/o. Police Station Pathardi,  
Tal. Pathardi, Dist.Ahmednagar.
  3. Dattatray Vyankat Garud  
Age: 58 years, Occu.: Service,  
R/o. Police Station Pathardi,  
Tal.Pathardi, Dist.Ahmednagar.
- .....Respondents

.....  
Advocate for Applicant : Mr. Prashant R. Nangare

APP for Respondent no.1 : Mr.S.M.Ganachari

Advocate for Respondent nos.2 & 3 : Mr. M.V.Navandar

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 07 MARCH, 2024**

**PRONOUNCED ON : 11 MARCH, 2024**

**ORDER :**

1. Acquittal of respondent nos.2 and 3 by learned Judicial  
Magistrate First Class, Pathardi, Dist.Ahmednagar for offences under  
Sections 323, 324, 504, 506, 354, 452 r/w Section 34 of the Indian

Penal Code (IPC) is now sought to be challenged by original informant by seeking leave of this Court.

2. It is submitted that accused respondent nos.2 and 3 forced entry in the house of complainant on 08-11-1996 at around 07:00 a.m.. They misbehaved with informant, scuffled with her and thereafter, beat informant with sharp object. There was medical evidence. Complaint was lodged promptly, but the learned trial Court has acquitted accused respondent nos.2 and 3. It is pointed out that there is improper appreciation of evidence. Full-roof case was made out for attracting offence under Section 323, 324, 504, 506 452, 354 r/w 34 of the IPC, but unfortunately learned trial Judge has acquitted the accused and therefore, informant is keen in seeking leave to file appeal against said judgment, which is perverse and illegal.

3. On the other hand, learned Counsel for accused respondent nos.2 and 3 would point out that informant failed to prove the allegations. That prosecution witnesses were thoroughly inconsistent and contrary to each other. That medical evidence also did not support accusations. Therefore, learned trial Court committed no error whatsoever in acquitting accused and he prays to refuse leave.

4. Heard both the sides. Perused the papers. Record shows that in the trial Court, **PW1** Shrimantabai Pancha Bhosale, informant, **PW2** Pancha Lalchand Bhosale and **PW3** Dr.Vishnu Ambadas Devdhe adduced evidence in support of prosecution case.

5. PW1 Shrimantabai and PW2 Pancha both have deposed about the occurrence of assault. PW1 Shrimantabai, informant claims that she intervened to save her husband but she was hit with some sharp object. According to PW2 Pancha, husband, he was given fist and kick blows. When informant claims that her husband PW2 Pancha, was beaten by *Danda*, the same was expected to be narrated by PW2 Pancha, but surprisingly his testimony is silent to that extent. PW3 Dr.Vishnu categorically deposed that injury was self-inflicted. Therefore, with such quality of evidence, no fault can be found in the manner of appreciation of evidence resulting into acquittal of accused respondent nos.2 and 3. No case being made out for grant of leave, I proceed to pass following order :

### **ORDER**

The application is rejected.

( **ABHAY S. WAGHWASE** )  
**JUDGE**