



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO. 115 OF 2019

Dharmendra S/o. Ukhaji Gaikwad (Died)
Through His Lrs Jayant Dharmendra GaikwadApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. A.S. Sawant, Advocate for applicant

Mr. B.B. Bhise, APP for State

Mr. U.A. Bhadgaonkar, Advocate for respondent No. 1

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th JULY, 2024

ORDER :

1. This application filed under section 378(4) of Criminal Procedure Code, seeks special leave to appeal against judgment and order of acquittal dated 24.11.2017, passed by learned Judicial Magistrate First Class (Court No. 3), Dhule, in Regular Criminal Case No. 734 of 2009.

2. Applicant filed private complaint against respondent No. 2/accused alleging that on 10.09.2009, respondent No. 2 entered the house and abused, manhandled and beat the applicant. Thereafter on 15.09.2009, respondent No. 2 came at village Tikhi and abused the applicant as to why he has lodged

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police complaint about the incident dated 10.09.2009 and accused beat him by fists and kick blows.

3. In support of the complaint, applicant examined himself and his brother. Trial Court has disbelieved the version of applicant as well as his brother as there are discrepancies in their evidence. Applicant has gone to the extent of denying pendency of civil litigation against respondent No. 2. Thus, Trial Court has rightly disbelieved the version of applicant.

4. Trial Court has recorded cogent reasons while acquitting respondent No. 2. The view taken by the Trial Court is just and proper and does not need any interference. No case is made out by applicant to grant special leave to appeal. Application is therefore dismissed.

[NITIN B. SURYAWANSHI, J.]