



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

912 CRIMINAL REVISION APPLICATION NO. 335 OF 2005

Pandit S/o Venkat Kamble.

... Applicant

Versus

1. The State of Maharashtra.
2. Gulab Bajirao Kamble.
3. Shripati Bajirao Kamble.
4. Dattu Limbaji Kamble.
5. Niverti Bajirao Kamble.
6. Limbaji Bajirao Kamble.
7. Shahu Limbaji Kamble.
8. Raju Gulab Kamble.

... Respondents

...

Mr. H. F. Pawar, Advocate for Applicant.

Mr. Mukesh K. Goyanka, APP for Respondent/State.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 29th February, 2024.

P.C.:

1 Heard.

2 Perused the judgment of the Trial Court dated 21st June, 2005 passed in Regular Criminal Case No.104 of 1997.

3 It is the prosecution case that seven bullock-carts were proceeding from the common boundary in between the agricultural

lands of Gulab Bajirao Kamble, Niverti Bajirao Kamble, Shripati Bajirao Kamble and Limbaji Bajirao Kamble. That time, Gulab and Niverti obstructed to the informant Angad. They hurled abuses to the informant. When the informant tried to convince them, they assaulted him by sticks. He sustained fracture injury to his head. One of the respondent Gulab caused tooth bite to the left hand's middle finger of the informant. One Pandit Kamble rescued that quarrel. Thereafter, the report was lodged and Crime No.41 of 1997 was registered for the offences punishable under Sections 147, 149, 447 and 324 of the Indian Penal Code.

4 The investigating officer, Head Police Constable, Buckle No.826, carried out the investigation and by recording statements of witnesses and drawing spot Panchanama, the charge-sheet was filed. Charge was framed against accused under Sections 147 and 324 read with 149 of the IPC. The accused denied the charge and claimed to be tried. They pleaded not guilty. Therefore, the trial proceeded. Evidence of more than 7 witnesses was recorded. The statements of accused under Section 313 of the Cr.P.C. are recorded. The learned Trial Court in the impugned judgment observed that the prosecution failed to prove that in furtherance of common object of the assembly of the respondents, they committed riot and also voluntarily caused injury. The respondents were acquitted.

5 Perused the entire proceedings. The learned Trial Court observed in paragraph 19 of the impugned order that there is no independent witness of the alleged incident. Further, Ankush (PW-3) and Balaji (PW-4) have turned hostile and nothing elicited in their evidence when they were cross-examined by the prosecution. The prosecution also failed to prove alleged sticks duly. The evidence of informant is not materially corroborated by independent testimony of any other witness. Considering this material discrepancy, the Trial Court acquitted the respondents.

6 After considering these reasons, this Court also finds that the prosecution failed to prove the alleged charges against these respondents by proving its essential ingredients. The Trial Court has given benefit of doubt to the respondents and there is no scope for interference. The criminal revision application, therefore, deserves to be rejected. It is rejected.

[SANJAY A. DESHMUKH, J.]