



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

CRIMINAL APPEAL NO. 920 OF 2023

LAXMIBAI BANDU KHICHDE
VERSUS
MADHAV MAROTI YASHWANTE AND ANOTHER

...
Mr. S.P. Katneshwarkar, Advocate for Appellant
Mr. R.B. Dhaware, APP for Respondent No.2/State
Mr. G. K. Naik Thigle, Advocate for Respondent No.1
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th OCTOBER, 2024

PER COURT :

1. By this appeal filed under Section 372 of Cr.P.C. appellant/informant/victim challenges the judgment and order of acquittal dated 21/08/2023, passed by learned Additional Sessions Judge, Basmath, in Criminal Appeal No.35/2016.

2. Prosecution case in short is that, on 21/01/2013, at 05:30 p.m. when appellant was working in her field respondent No.1 accused came there and caught hold both her hands and pulled her towards millet crop. Therefore, she raised hue and cry, witnesses Madhav Waghmare and Namdeo Raut came there running. At that time, accused threatened appellant, and slapped and abused her. Then, accused fled away from the spot. Appellant then lodged FIR which is registered at C.R. No.04/2013, for offence punishable under Sections 354, 323, 506 of I.P.C. Accused was charged under these Sections and the trial Court convicted him for offence punishable

under Sections 354 and 323 of I.P.C. and sentenced him to suffer rigorous imprisonment for three months and to pay fine of Rs.500/-.

3. Being aggrieved, accused challenged the judgment and order of conviction by filing Criminal Appeal No.35/2016, which is allowed by the appellate Court. Hence, the present appeal.

4. Heard learned advocate for appellant, learned APP for State and learned advocate for respondent No.1. Perused the appeal memo, notes of evidence made available by learned advocate for appellant, judgment passed by the trial Court and the impugned judgment and order of appellate Court.

5. Record indicates that appellant as well as her witnesses have improved their version in the trial. There are discrepancies in the evidence of witnesses and the prosecution case. Defence raised by respondent No.1 accused that there was dispute between appellant and his sister, whose field is adjacent to the appellant's field, appears to be probable. Respondent's sister is examined as defence witness. Considering these aspects appellate Court has by a well reasoned order, acquitted accused.

6. View taken by the appellate Court is possible view. No case is made out by appellant to interfere in the impugned judgment and order of acquittal. Appeal being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)