



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 1128 OF 2023

Gajanan Nivrutti Pitale

VERSUS

The State Of Maharashtra And Others

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Mr. K.D. Jadhav, Advocate for Appellant

Mr. R.B. Daware, APP for Respondent No.1 - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th SEPTEMBER, 2024

ORDER :

1. By this appeal, filed under section 372 of the Code of Criminal Procedure Code, appellant challenges the impugned judgment and order of acquittal dated 15.09.2023 passed by the learned Sessions Judge, Jalna in Sessions Case No.250 of 2022.

2. Applicant/informant (son of deceased) lodged FIR against accused persons alleging that his father Nivrutti had purchased 81 Ares of land out of Gut No.116 from one Shivdas Gawali (deceased) and was cultivating the same. Six months prior to the FIR, Shivdas Gawali, Vilas Gawali and Satish Gawali had forcibly taken back the possession of the said land and sold it to Hussain Yasin Shaikh and Shaikh Gafaar Shaikh and put them in possession. Mutation Entry No.1722 to that

effect was carried out on 21.07.2021. Father of applicant had approached the Talathi and Sub Divisional Officer, Partur for cancellation of the mutation entry, but could not succeed. Due to this, his father was under mental stress. On 27.08.2021, he committed suicide by hanging on the Rohina Bridge. A suicide note was found on the dead body, wherein it is stated that the land was forcibly taken back by the accused persons and they threatened him to kill. Offence was registered at C.R. No. 402/2021 with Partur Police Station. On completion of investigation, charge-sheet was filed and case was committed to the Sessions Court. Accused were charged for offence punishable under sections 306 and 506(II) read with section 34 of the Indian Penal Code.

3. In support of its case, prosecution examined seven witnesses. The defence of the accused is of total denial. Trial Court after recording evidence, acquitted the accused persons. Hence, the present appeal.

4. Heard learned advocate for appellant and learned APP for respondent No.1 – State. Perused the grounds raised in the appeal memo and impugned judgment and order of acquittal.

5. It appears from the record that prosecution has failed to prove the charge under sections 107 and 306 of the Indian Penal Code. The trial Court has rightly relied upon ***Sanju Alias Sanjay Singh Sengar Vs.State of M.P., (2002) 5 SCC 371***, and has recorded acquittal. No case is made out by the appellant to interfere in the impugned judgment and order of acquittal as the view taken by the trial Court is the only view that needs to be taken in the facts of the present case. Appeal is being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE