



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

957 CRIMINAL APPEAL NO. 110 OF 2025

Mohanlal S/o Babulal Bassaiye

VERSUS

The State Of Maharashtra And Another

...

Mr. Rahul G. Joshi h/f Mr. Raviraj Tukaram Wakale - Advocate for
Appellant

Mr. R. B. Dhaware - APP for Respondent/State

...

CORAM : NEERAJ P. DHOTE, J.

DATED : 22ND APRIL 2025

PER COURT : -

1. The Victim had lodged report with the concerned Police Station against the four Accused persons for the offence punishable under Sections 325, 323, 504 r/w 34 of the Indian Penal Code. It was the case of the Victim that, on 17.07.2012, at about 08:00 pm, he was assaulted by the Accused persons. Accused No. 1 used the stick and Accused Nos. 2 to 4 assaulted by fist and blows. The learned Trial Court after the Trial, convicted Accused No. 1 and acquitted Accused Nos. 2 to 4. Against the said Conviction, Accused No. 1 approached the Appellate Court i.e. the Sessions Court and the learned Additional Sessions Judge, Aurangabad, by the impugned Judgment and Order dated 19.06.2024, acquitted Accused No. 1, i.e. Respondent No. 2 herein.

2. Heard learned Advocate for the Appellant. Perused the impugned Judgment. The learned Appellate Court acquitted the Accused No. 1 on the ground that, no independent witness was examined, there was enmity between the parties and possibility of falling down of the Appellant from the stair-case. The Appellant is an injured Eye-witness.

3. Considering the above, issue notice to the Respondents, returnable on 15th July, 2025. Learned APP waives service of notice for State.

[NEERAJ P. DHOTE]
JUDGE