



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY STATE NO 5 OF 2026

The State of Maharashtra,
Through Police Inspector,
Police Station, Shivaji Nagar,
Latur, Taluka and District Latur.

... Applicant

Versus

Ravindra Harishchandra Pawar,
Age : 26 years, Occu. Education,
R/o. Sadguru Nagar, Latur,
District Latur.

... Respondent
[Original Accused]

.....
Mr. P. P. Dawalkar, APP for the Applicant-State.
Mr. D. S. Mali, Advocate for the Respondent.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 09.04.2026

Pronounced on : 15.04.2026

ORDER :

1. State hereby seeks leave to question the judgment and order of acquittal passed by learned Additional Sessions Judge-5, Latur dated 19.08.2023 in Sessions Case No. 41 of 2020

2. Learned APP submitted that, on 07.05.2017 while complainant was discharging duty as a traffic police, at that time accused, who had

violated the traffic rules, was signaled to stop but he did not obey and rather abused and scuffled with complainant. Therefore, on the complaint to that extent by PW1, police registered crime bearing no. 163 of 2017 which was investigated by PW7 and he chargesheeted accused. That, after chargesheet, trial was conducted. Learned APP pointed out that as many as 7 witnesses were examined by prosecution. That, there was also eye witness account. That, all the charges were proved beyond reasonable doubt but case of prosecution has not been accepted and benefit of doubt has been given to the accused. According to learned APP, ingredients of each of the offences were very much available in the prosecution evidence but the same has not been considered. Therefore, there being good case on merits in appeal, leave is urged for.

3. Learned counsel for respondent-original accused submitted that, prosecution has miserably failed. That, there was no direct or eye witness, though claimed by prosecution, and that finding to that extent is recorded by the learned trial court who, according to him, also thoroughly analyzed evidence of prosecution and rightly concluded that case is not proved beyond reasonable doubt. That, very occurrence is not substantiated and there is no evidence at the first count that there was violation of any traffic rule, as no chalan is

served or placed on record by the investigating machinery. Resultantly, he justifies acquittal.

4. After considering above submissions and on going through the record, it appears that, present respondent was tried for commission of offence under Sections 353, 332, 290 of IPC and Sections 181, 177, 179 of the Motor Vehicles Act.

5. In short, case of prosecution in trial court was that, informant PW1 who was in service as Traffic Controller, was on duty on 07.05.2017 at Shivaji Maharaj Chowk at 7.30 p.m. and he was accompanied by other constables namely Jogdand and Gharole. Accused, who was riding motorcycle, broke the traffic rule and therefore was asked to stop. It is alleged that he caught hold of collar of informant, scuffled with him, abused him and therefore, informant PW1 lodged report resulting into registration of crime no. 163/2017.

6. At trial, prosecution seems to have rested its case on the evidence of seven witnesses, i.e. informant, alleged eye witnesses PW3 and PW5 and there is also evidence of panchas, medical officer and Investigating Officer.

7. On going through the judgment, it appears that on taking evidence of PW1 into account, learned trial court has held that case of prosecution about accused catching hold of collar of PW1 and further scuffling with him has remained unshattered. However, further learned trial Judge seems to have searched for corroboration to his testimony and has examined the evidence of PW3 and PW5 but recorded a finding that PW3 cannot be said to be an eye witness.

8. Again, as pointed out by learned counsel for defence, prosecution does not seem to have placed on record any traffic chalan to substantiate violation of traffic rule. It was necessary to place it on record, more particularly because entire alleged episode had taken place on account of breaking traffic rule. If PW1 was controlling traffic in the capacity of controller, then he ought to have issued chalan or ticket for violation of rule, but the same has not been either issued or placed on record.

9. As pointed out, Investigating Officer has admitted that even the vehicle which was involved in alleged commission of offence was not seized. When incident had taken place in a crowded place, apart from police witnesses, other independent witnesses could have been made readily available. Therefore, when there was no corroboration from

independent corner, learned trial court seems to have given benefit of doubt. Thus, no good ground being brought to the notice of this Court to accord leave, following order is passed :

ORDER

- I. Leave is refused.
- II. Applicant stands dismissed.

[ABHAY S. WAGHWASE, J.]

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