IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 445 OF 2004

Shalini Hanumantrao Wagholikar ...Applicant
Versus
Sonia Gayaprasad Yadav And Ors. ...Respondents

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Ms. Meghna Gowalani for the Applicant.
Ms. Ranjana Humane, APP for Respondent/State.
Mr. Rajesh Bhosale for Respondent No.2.

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SNEHA NITIN CHAVAN
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Date: 2026.10.16 18:16:40 +0530

CORAM : M.M. SATHAYE, J.
DATE : 15th OCTOBER, 2026

P.C. :

1. Heard learned Counsel for the parties. Perused the record.

2. The original complainant has filed this Revision Application challenging the Judgment of order dated 02.08.2004 passed by 7th Ad-Hoc Assistant Sessions Judge, Pune in Special Session Case No. 20 of 2002. By the said impugned order, the Respondent Nos. 1 and 2 were acquitted from offences punishable under Section 143, 147, 149, 323 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and under Section 3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act under Section 7(1)(d) for the Protection of Civil Rights Act, 1955.

3. During pendency of the revision application, Respondent No.1 has expired and the revision is already disposed of as abated against

Respondent No.1 on 11.06.2026.

4. Since nobody was appearing for Applicant for proceeding with the matter, this Court directed appointment of legal aid counsel.

5. I have heard learned Counsel for the Applicant (appointed through legal aid) who submitted and argued as per grounds raised in the revision. She submitted that the evidence on record has not been properly considered and there was sufficient material to convict the Respondents.

6. On the other hand, learned Counsel for the Respondent No.2 (Accused No.2 - Gayaprasad Shivsevak Yadav) has supported the impugned order and contending *inter alia* that on appreciation of evidence and by detail order, Respondent Nos. 1 and 2 have been acquitted and no case for grant of leave is made out. He also submitted that the revision challenging the order of acquittal is not maintainable.

7. Learned APP has placed on record a copy of order dated 13.01.2006 passed in Criminal Appeal No. 999 of 2004 which was a companion appeal filed by the State challenging the impugned order of acquittal in the case of son of the Complainant. She has also relied upon the order dated 21.04.2006 passed in present Revision Application by which this revision was tagged with the said criminal appeal filed by the State.

8. In companion appeal filed by the State, this Court has considered the challenge by State and has observed as under :

" This is an appeal filed by the State impugning the judgment and

order passed by the 8th Ad hoc Assistant Session Judge, Pune on 14.05.2004 acquitting the accused for the offences punishable under 324, 323, 504 read with 34 of Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as well as under section 7 (1) (d) of the Prevention of Civil Rights Act. On perusal of the impugned judgment and order, it is seen that the same has been passed on cogent and acceptable reasons. As far as offence under the Atrocities Act and Protection of Civil Rights is concerned, it is seen that only utterance made by the accused was calling son of the complainant as "Chambhar". That by itself cannot be offence. As far as other sections of the Penal Code are concerned, medical officer was not examined by the prosecution. Hence, the injuries could not be proved. The view taken is a possible view and in the circumstances, leave is refused and consequently, the appeal stands dismissed."

9. I have perused the present impugned order. The Learned Trial Judge has held that the Applicant/complainant had materially omitted the alleged abuses stated in her examination-in-chief and materially contradicted about it. It is held that if the complaint is read carefully, it appears that the alleged abuses are different. The Learned Trial Judge has found over-writing in the alleged Caste certificate produced on record, in name and surname, which is not satisfactorily explained. The Learned Trial Judge has also recorded that on the date of the alleged incident i.e. 05.06.1998, there is no statement recorded and four months after the incident, statements are recorded on 05.10.1998. Therefore the alleged offence has been found not supported by cogent evidence.

10. In the aforesaid facts and circumstances, in limited revisional

jurisdiction, I do not find any reason to reconsider the challenge raised on behalf of the Applicant/complainant. Evidence can not be re-appreciated in revision. No fault can be found with the impugned order.

11. **In the result, the Revision Application is dismissed**.

(M.M. SATHAYE, J.)