

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.921 OF 2025

Laxman Ramdas Tambe	...Appellant
<i>Versus</i>	
State of Maharashtra and ors.	...Respondents

Mr. Ranjeet Pawar, for the Appellant.
Mr. C. D. Mali, APP, for the State.

CORAM: R. M. JOSHI, J.

DATED: 14th JANUARY, 2026.

PC:-

1. This Appeal takes exception to the judgment and order dated 30th July, 2025 passed by the Special Judge for acquittal of the accused persons in Special Case No. 15 of 2016.

2. Learned counsel for the Appellant/Original Informant submits that the Trial Court has committed error in not considering the evidence of the Informant, wherein he specifically states that he being assaulted with wooden stick by accused Sandeep and other accused also assaulted him with fist and kick blows. It is his submission that the Trial Court ought to have considered the evidence of the injured witness i.e. the Informant herein in proper prospective. He further makes grievance that it seems that the prosecution has not conducted trial with utmost sincerity as the

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medical certificate though on record was not proved before the Court.

3. Perusal of the evidence on record led before the Trial Court indicates that the First informant in his substantive evidence before this Court does not state about he being abused over his caste by the accused persons. The said exclusion by Informant creates doubt about the manner in which the incident in question has occurred. It is also pertinent to note that in the cross-examination it has come on the record that there were disputes between the Informant and the accused persons over the repayment of the money by the Informant. In the light of these facts and considering previous disputes there needed a corroboration to the statement of the Informant before the Court with regard to the occurrence of the incident on 18th February, 2014. No such corroborative evidence is led by prosecution. It was burden on the prosecution to prove the guilt of the accused beyond shadow of reasonable doubt, which prosecution has failed to established.

4. The learned Trial Court has not accepted the case of the prosecution for want of proof of the same. The law on the point of entertainment of an Appeal against the acquittal is fairly settled to say that if findings recorded by the Trial Court are possible findings, it is not open for the Appellate Court to reverse the same. Moreover, this is not the case, wherein the Trial Court has failed to take into consideration the evidence on record which ought to have been taken into account or there is miscarriage of justice.

5. Having regard to above discussion, there is no merit in the appeal.

6. Appeal stands dismissed.

(R. M. JOSHI, J.)