

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2450/2009

The State of Maharashtra
VS
Chandar Govind Pol & Ors.

PETITIONER

RESPONDENTS

Mr.S.A.Shaikh ,APP for the State

CORAM: MRS.MRIDULA BHATKAR,J.
DATE : 31st AUGUST, 2009.

P.C.

. Heard.

2] This application is filed for leave to file appeal under section 378(3) of the Criminal Procedure Code .The Criminal Case was filed against the respondents/accused under section 3(i)(ix) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 and under section 7(1)(d) of the Protection of Civil Rights Act, as well as under section 323,504,506 read with 34 of the Indian Penal Code. The learned Ad Hoc Additional Sessions Judge,Sangli by order dated 17/2/2009 has acquitted the accused from all the charges .Hence this application.

3] Perused the record and judgment. It is contended by the learned A.P.P.appearing for the State that the learned Trial Judge has not considered the evidence tendered by the witnesses who corroborated about the utterance by the accused. He has further submitted that the accused had attacked the complainant with fists and sticks and hence there was delay in lodging the complaint and this gravity is also not considered.

4] There was some quarrel between the accused and the complainant when the complainant was lifting the branches and wood lying by the side of the road which was allegedly owned by the accused. The delay of 13 days is a major flaw in this case. As per the prosecution case the incident has not taken place at once on 24/9/2008 but it was repeated on 25/9/2008. If the offence was repeatedly committed by the accused by uttering objectionable words under the Atrocities Act then it was very natural on the part of the complainant to lodge the complaint immediately against the accused. However, no reasonable explanation has come forward by the prosecution to justify the delay of 13 days. Moreover, as per the prosecution case the complainant was beaten up by the accused with fist blows and bar of the axe. No medical evidence to corroborate any injury is produced before the Court. The view taken by the learned Judge while appreciating the evidence cannot be faulted. The order passed by the learned Judge is just and legal.

Leave rejected.

Application is dismissed.

(MRS.MRIDULA BHATKAR,J.)