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State of Maharashtra Vs. Sitaram and Others

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Court : Mumbai Aurangabad

Decided On : Feb-25-2013

Judge : K.U. Chandiwal

Appeal No. : Criminal Appeal No.7 of 2001

Appellant : State of Maharashtra

Respondent : Sitaram and Others

Judgement :

Oral Judgment:

Heard. On 4th October, 2000, learned 2nd Joint JMFC, Hingoli in RCC No.84/1994, acquitted Respondent Nos.1 to 3 for offence under Sections 435 and 429 r/w 34 of IPC. The State feels aggrieved by the same.

2. The appeal was admitted on 25th June, 2003 and action under Section 390 Cr.P.C. was directed.

3. Perusal of the judgment and record illustrate, there was long-drawn litigation between the accused and the complainant and his associates. Though PW No.1 was claiming to be an eyewitness, however, the learned Judge observed, his evidence to be an interested witness and doubtful. The learned Judge did not rely to the evidence of PW No.3 Sitaram. It was pointed out and not refuted that PW No.1, PW No.2 and PW No.3 were convicted in criminal case filed by the accused.

Consequently, wrath and vengeance in the mind of the complainant saw its resultant in filing the prosecution referred above. Analysis of the evidence carried by the learned Judge was one of the possible view, which he has rightly taken. There is no merit. Criminal Appeal is dismissed. No costs.

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