

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1039 OF 2015

The State of Maharashtra **....Applicant.**

Versus

Gangadhar s/o. Rangnath Chavan
and others **....Respondents.**

Mr. B.L. Dhas, APP for State/applicant.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 17th March, 2015.

ORDER :

1. The application is filed for grant of leave to file appeal against judgment and order of Sessions Case No. 115/2012 which was pending in the Court of Sessions Judge, Jalna. The respondents are acquitted of the offences punishable under sections 302, 326, 504, 34 etc. of I.P.C.

2. The learned APP has produced the copy of dying declaration of deceased Rameshwar Jume in which he had disclosed the part played by the respondents. This Court has gone through the reasoning given in the judgment while appreciating the dying declaration. The P.M. report is admitted by the defence. On the basis of material available, this Court has

no hesitation to observe that there is arguable case.

3. In the result, the application is allowed. Leave is granted. Appeal is **admitted**. Comply the provisions of section 390 of Cr.P.C.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/