

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 1513 of 2014

The State of Maharashtra,
Through S.D. Bhosale, PI,
Taluka Police Station, Sangamner,
Taluka : Sangamner,
District : Ahmednagar.

.. Applicant
(Original complainant)

versus

Rahul Punja Rahane,
Age : 21 years,
Occupation : Agriculture,
R/o. Chandanapuri,
Taluka : Sangamner,
District : Ahmednagar.

.. Respondent
(Original accused)

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*Mrs. S.G. Chincholkar, Additional Public Prosecutor,
for the applicant.*

Mr. V.Y. Bhide, Advocate, for the respondent.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH JANUARY 2015

PER COURT :

1. Heard the learned Additional Public Prosecutor for the applicant - State, and the learned Counsel for the respondent.
2. Perused the findings recorded by the trial court.

3. *Prima facie*, it appears that the trial court has not properly appreciated the evidence of PW 6, PW 10 and other prosecution witnesses, so far the deceased was last seen in the company of the accused. The case is established to grant leave to file appeal and admit the same.

4. Hence, the Application is allowed in terms of prayer clauses “A”, “B”, “C” and “F”. The Application stands disposed of.

5. Appeal **Admit**.

6. Adv. Mr. V.Y. Bhide waives service of notice on behalf of the respondent, upon admission of the appeal.

7. Action under Section 390 of the Code of Criminal Procedure, 1973, to follow before the Sessions Court, Sangamner.

8. The Registry of this Court to sent back the record & proceedings to the Sessions Court, Sangamner, so as to enable the Registry of the Sessions Court to prepare paper-book. Upon receiving record & proceedings, the Registry of Sessions Court, Sangamner, to prepare the paper-book and send the same to this Court with record & proceedings, expeditiously.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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