

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

CRIMINAL APPLICATION NO. 2017 OF 2014

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

**Versus**

Popat Yadav Patil and Ors. **....Respondents.**

Mr. V.D. Godbharle, APP for State/applicant.

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

**DATED : 17th March, 2015.**

**ORDER :**

1. The application is filed for granting leave to file appeal against the judgment and order of Sessions Case No. 50/2011 which was pending in the Court of Additional Sessions Judge, Dhule. The respondents are acquitted of the offences punishable under sections 302, 143, 147, 148 r/w. 149 of I.P.C.

2. The learned APP is heard. Seen the original record which include the P.M. report and report of histopathology. Though the doctor, who conducted the P.M. examination, has given opinion that the death took place due to gas gangrene, the report of histopathology is not consistent with this report. The P.M. report shows that many surface wounds were found on the dead body. There were fractures and there was bleeding. There

is direct evidence as against all the respondents. Thus, there is arguable case against the respondents. So, the application is allowed. Leave is granted.

3. Heard the learned APP for admission of appeal.

**Admit.** Comply the provisions of section 390 of Cr.P.C.

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

[ T.V. NALAWADE, J. ]

ssc/