

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1736 OF 2015

The State of Maharashtra,
Through: Police Inspector,
Police Station Shiradhon,
Dist-Osmanabad.

...APPLICANT
(Orig. Respondent)

VERSUS

- 1) Sanjay Kishan Nikam,
Age-32, Occu:Driver,
R/o-Mangir Shivar, Devlali,
Tq-Kallam, Dist-Osmanabad,
- 2) Balaji Kishan Nikam,
Age-26 years, Occu:LIC Agent,
R/o-As Above,
- 3) Ramesh Kishan Nikam,
Age-30 years, Occu:Education,
R/o-As Above,
- 4) Kishan Kashiram Nikam,
Age-65 years, Occu:Agri.,
R/o-As Above.

...RESPONDENTS
(Orig. Accused)

...
Mr.B.L. Dhas, A.P.P. for Applicant.
...

**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 12TH JUNE, 2015

ORDER :

1. Heard learned A.P.P. appearing for the Applicant - State.

2. Perused the findings recorded by the trial Court. We are surprised to note that there are number of eye witnesses to the incident and the trial Court, instead of considering their evidence on merits, observed that none of the witnesses has deposed as to what was the arrangement made for light on the spot of incident. Upon perusal of the findings recorded by the trial Court, it appears that not only cryptic findings are recorded, but insignificant points are considered and direct evidence of the eye witnesses has not been properly considered. Hence the case is established for allowing the Application. Hence the Criminal Application is

allowed in terms of prayer clauses (A), (B), (D) and (F). The Criminal Application stands disposed of.

3. The Appeal is **Admitted**.

4. Action under Section 390 of Cr.P.C. to follow before the Sessions Court, Osmanabad.

[A.I.S.CHEEMA, J.]

asb/JUN15

[S.S.SHINDE, J.]