

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

CRIMINAL APPLICATION NO. 2084 OF 2014

The State of Maharashtra

.. APPLICANT

VERSUS

Ramesh s/o.Manik Atole
& others

.. RESPONDENTS

...
Mrs. P.J. Bharad, APP for Applicant - State
Mr. B.R.Warma, Adv.h/f. Mr. D.K.Rajput, Advocate for
Respondent Nos. 1 to 4.

...
**CORAM : S.S. SHINDE &
A.M.BADAR, JJ.**
DATE: 5th February, 2015

PER COURT:-

1] Heard. Perused the grounds taken in the Appeal memo. The learned counsel appearing for the respondents invited our attention to the findings recorded by the trial Court, and notes of evidence and submits that, the trial Court has rightly acquitted the accused. There are inherent contradictions, omissions and the prosecution evidence is not sufficient. Medical Officer has not stated exact injuries. No medical certificate is on record.

2] Heard the learned APP appearing for the Applicant – State and the learned counsel appearing for the respondents. Complainant himself is injured witness. Apart from that, in our opinion, the scrutiny of the trial Court

Judgment needs to be done in the light of the evidence brought on record by the prosecution. In the circumstance, the Application is allowed in terms of prayer clauses 'A', 'B', 'C' and 'F' and the same is disposed of.

3] **Appeal admitted.**

4] Action under section 390 of the Criminal Procedure Code to follow before the Sessions Court, Jalna.

5] The registry to send back the original record to the registry of the Sessions Court, Jalna. After receiving the original record by the registry of the Sessions Court, Jalna, the concerned registry to prepare paper book and send along with the original record as expeditiously as possible.

Sd/-

[A.M.BADAR, J.]

Sd/-

[S.S. SHINDE, J.]

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