

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2523 OF 2014

The State of Maharashtra,
Through Police Station Officer,
Police Station MIDC Waluj,
Aurangabad.

...APPLICANT
(Orig. Complainant)

VERSUS

Raju s/o Kisan Bhalerao,
Age-24 years, Occu:Pvt. Service,
R/o-Near Laxmi Mata Mandir,
Tisgaon, Aurangabad.

...RESPONDENT
(Orig. Accused)

...
Mr.D.V. Tele, A.P.P. for Applicant - State.
...

CORAM: A.I.S. CHEEMA, J.

DATE : 22ND JANUARY, 2015

ORAL ORDER :

1. Heard learned A.P.P. for State. Perused
record.

2. The learned A.P.P. submits that there was clear evidence available of the complainant and she was corroborated by another witness PW-2 Deepmala, however the trial Court did not appreciate the evidence properly and minor differences, which are natural in evidence, were taken as contradictions and the accused has been acquitted.

3. Looking to the submissions made and reasonings of the trial Court, it does appear that there is an arguable case which requires this Court to reconsider and re-appreciate the evidence. As such leave is granted. The Application is allowed. Application be converted into Appeal.

4. Appeal is **Admitted**.

5. Action under Section 390 of Cr.P.C. be taken against Respondent-accused in the trial

Court and report be called.

6. Paper Book be got prepared.

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

asb/JAN15