

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

**Criminal Application No. 2452 of 2013
With
Criminal Application No.2451 of 2013**

The State of Maharashtra.

.. Applicant.

Versus

Sopanrao Gena Mergal
And Others.

.. Respondents.

Shri. S.A. Ambad, Additional Public Prosecutor, for
applicant.

Respondent Nos.1 to 10 served - absent.

CORAM: T.V. NALAWADE, J.

DATE : 22nd JULY 2015

ORDER:

1) The application is filed for condonation of delay of 18 days caused in filing appeal against the judgment and order of acquittal. Notice is served on the other side but nobody has turned up. It appears that the convicted accused have filed Criminal Appeal No.76/2013 which is admitted. In view of this and the contentions made in the application, the application is allowed. Delay is condoned.

2) Heard learned Additional Public Prosecutor for admission purpose. Seen the judgment delivered by the trial Court. The judgment contain the evidence of the main witness, Lata (PW 1) which is against all the accused and it is given in respect of both the incident which took place in the field and in the house of Lata. The trial Court has acquitted the respondents inspite of such evidence. There is arguable case as against the accused. Section 149 IPC is used against them. In view of these circumstances, the appeal is admitted. Compliance is to be made of section 390 of Code of Criminal Procedure.

Sd/-
(T.V. NALAWADE, J.)

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