

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**  
**APPELLATE SIDE JURISDICTION**

|                                                        |                                          |               |                            |
|--------------------------------------------------------|------------------------------------------|---------------|----------------------------|
| Office Memoranda of appearance, directions and orders. | Notes, of Court's orders and Registrar's | Office Coram, | Court's or Judge's orders. |
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CRIMINAL APPLICATION NO. 3552 OF 2014

THE STATE OF MAHRASHTRA  
VERSUS  
DAJBHAU JINAM PATOLE AND ANOTHER

...  
APP for Applicant : Mr. K. S. Patil.  
Advocate for Respondent Nos.1 to 3: Mr. Unmesh  
Shriram, Advocate h/f Mr. D. S. Bagul.

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**CORAM: T. V. NALAWADE &**  
**SMT. I. K. JAIN, JJ.**  
**DATED: 24th MARCH, 2015.**

**PER COURT:**

1. The application is filed for grant of leave to file appeal against judgment and order of Sessions Case No.77 of 2012 which was pending in the Court of learned Sessions Judge, Dhule. The Respondents are acquitted of the offence under section 302 read with 34 of I.P.C. Learned A.P.P. is heard. Other side is also heard.
2. This Court has gone through the record of depositions and also the record of dying declaration. The P.M. report is also seen. In the dying declaration the

deceased has blamed the present respondents for the incident and causing him injuries which caused the death. It appears that the learned Judge of the trial Court has held that the dying declaration is not reliable. There is arguable case for the State. So, leave is granted and the application is allowed.

3. Appeal is admitted.
4. Comply the provisions of Section 390 Cr.P.Code.

**[SMT. I. K. JAIN, J.] [T. V. NALAWADE, J.]**

Dt.24/03/2015

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