

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3400 OF 2013

The State of Maharashtra **....Applicant.**

Versus

Ramdas Mohan Kharade & Ors. **....Respondents.**

Mr. B.L. Dhas, APP for State/applicant.

Mr. K.B. Autade, Advocate for respondents.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 20th March, 2015.

ORDER :

1. The application is filed for granting leave to file appeal against judgment and order of Sessions Case No. 66/2011 which was pending in the Court of learned Additional Sessions Judge, Shrirampur, District Ahmednagar. The respondents are acquitted of the offences punishable under sections 302 r/w. 149, 326, 325 r/w. 34 etc. of I.P.C and few sections of Bombay Police Act.

2. This Court has gone through the original record which includes the deposition given by the complainant, the P.M. report and also injury certificate in respect of complainant. There

were three injuries on the dead body and there was fracture of skull bone and there was haemorrhage in brain of the dead body of the wife of complainant. Complainant himself sustained three injuries which included fracture injury to one hand. The evidence is given that all the accused came together on the spot and they were holding the weapons and the incident took place due to dispute in respect of property. In view of these circumstances, this Court holds that there is arguable case against the respondents. So, the application is allowed. Leave is granted.

3. The appeal is **admitted**. Comply the provisions of section 390 of Cr.P.C.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/