

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

**Criminal Application No. 3574 of 2015**

The State of Maharashtra,  
Through Police Station  
Aundha [Nagnath],  
District : Hingoli.

.. Applicant  
(Original complainant)

**versus**

Sudam s/o. Devidas Rathod,  
Age : 21 years,  
Occupation : Agriculture,  
R/o. Rupur Tanda,  
Taluka : Aundha [Nagnath],  
District : Hingoli,  
& 10 others.

.. Respondents  
(Original accused)

.....

*Mr. K.S. Patil, Additional Public Prosecutor, for  
the applicant - State.*

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**CORAM : S.S. SHINDE &  
A.M. BADAR, JJ.**

**DATE : 19TH AUGUST 2015**

**PER COURT :**

1. Heard learned APP Mr. K.S. Patil for the applicant - State.
2. By the present Application, the applicant - State seeks leave

of this Court under Section 378(3) of the Code of Criminal Procedure, 1973, to file appeal against the order of acquittal recorded by the learned Additional Sessions Judge, Basmathnagar (District : Hingoli), in Sessions Trial No. 47/2013, in favour of present respondents (original accused), for offences punishable under Sections 304-B, 306 and 498A, read with Section 34, of the Indian Penal Code, by judgment and order dated 31st March 2015.

3. Perused the findings recorded by the trial Court.

4. *Prima facie*, we find that the evidence is not properly considered by the trial Court. In that view of the matter, a case is established for granting leave to file appeal against the order of acquittal.

5. Hence, the Application is allowed in terms of prayer clauses “A”, “B”, “C” and “F”. The Application stands disposed of.

6. Appeal **Admit**.

7. On admission, issue notices to the respondents (original accused).

8. Action under Section 390 of the Code of Criminal Procedure, 1973, to follow against the respondents (original accused), before the Sessions Court at Basmathnagar (District : Hingoli).

9. The Registry of this Court to sent back the record &

proceedings to the Sessions Court, Basmathnagar, so as to enable the Registry of the Sessions Court to prepare paper-book. Upon receiving record & proceedings, the Registry of Sessions Court, Basmathnagar, to prepare the paper-book and send the same to this Court with record & proceedings, expeditiously.

**( A.M. BADAR )**  
**JUDGE**

**( S.S. SHINDE )**  
**JUDGE**

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