

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO.4391 OF 2014

THE STATE OF MAHARASHTRA
VERSUS
BHARAT S/O UTTAM CHIGURE AN

...
APP for Applicant/State : Mrs.P.J. Bharad.
Advocate for Respondents :Mr.Chatterji Joydeep.

...
CORAM : S.S. SHINDE & A.M. BADAR, JJ.
Dated: JANUARY 08, 2015

...

Heard learned APP for the State and learned Counsel for respondents. Perused the record, notes of evidence and also the findings recorded by the trial Court. It appears that the presence of original accused No.2 Phulabai w/o Uttam Chigure itself was not convincingly established by the prosecution and secondly, even if the allegations of ill-treatment are taken in its entirety, it appears that there are no specific allegations against the accused No.2.

2 In that view of the matter, the view taken by

the trial Court as against respondent No.2 appears to be plausible. Therefore, so far as respondent / accused No.2 Phulabai Uttam Chigure is concerned, leave to file appeal is refused. Application stands rejected to the extent of respondent No.2.

3 So far as applicant No.1 Bharat s/o Uttam Chigure is concerned, upon perusal of the evidence and in particular, evidence of P.W.1, it shows that there are specific allegations about ill-treatment and also the medical evidence needs consideration.

4 In that view of the matter, the application is allowed in terms of prayer clauses (B), (C), and (F) so far as respondent No.1 is concerned. Application stands disposed of.

5 Appeal **admitted**.

On admission, learned Counsel for respondents waives service.

6 Action under Section 390 Cr.P.C. to follow before the Sessions Court, Jalna.

(A.M. BADAR, J)

(S.S. SHINDE, J)