

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

CRIMINAL APPLICATION NO. 4411 OF 2014
WITH
CRIMINAL APPLICATION NO. 3452 OF 2014

Prasad Sharadchandra Kolapkar**Applicant.**

Versus

The State of Maharashtra & Ors.**Respondents.**

Mr. A.B. Girase, Advocate for applicant in CA No. 4411/14.

Mr. K.M. Suryawansi, APP for State in both.

Mr. Joydeep Chatterji, Advocate for respondent Nos. 2 to 5 in CA
Nos. 4411/14 and for respondent Nos. 1 to 4 in CA No. 3452/14.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**
DATED : 17th March, 2015.

ORDER :

1. Both the applications are filed for grant of leave to file appeals against judgment and order of acquittal given in Sessions Case No. 5/2014 (old No. 47/2007) which was pending in the Court of Additional Sessions Judge, Bhusawal. The respondents are acquitted of the offences punishable under sections 498-A, 306, 304-B of I.P.C. and sections 3 and 4 of Dowry Prohibition Act. Both the sides are heard.

2. In the proceeding filed by the State, this Court has gone through the record like both the dying declarations of the deceased and the spot panchanama. There are also statements of relatives of deceased on parents side. The death took place due to burn injuries. In view of the site where the incident took place and the nature of allegations made in subsequent dying declaration, this Court holds that there is arguable case in appeal. So, Criminal Application No. 3452/2014 is allowed. In view of this order the other application is also allowed. Leave is granted.

3. Appeals are **admitted**. Comply the provisions of section 390 of Cr.P.C.

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

[T.V. NALAWADE, J.]

ssc/