

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4278 OF 2013

State of Maharashtra,
Through City Chowk Police Thane
Aurangabad through
Subhash Kanhaiyalal Shrivastav,
Age-40 years, Occu:Service,
R/o-Phulenagar, Aurangabad.

...APPLICANT
(Orig. Complainant)

VERSUS

Babusing Ramsing Jonwal,
Age-61 years, Occu:Retired,
R/o-N-9-H 128/1,
Shrikrishnagar, Hudco,
Aurangabad.

...RESPONDENT
(Orig. Accused)

...
Mr. K.S. Patil, A.P.P. for Applicant.
...

CORAM: A.I.S. CHEEMA, J.

DATE : 13TH MARCH, 2015

ORAL ORDER :

1. Heard learned A.P.P. for State. Perused

record.

2. The learned A.P.P. submits that the vehicle of Respondent -original Accused was caught on the spot itself when the incident took place. The Respondent-Accused had run away from the spot. The complainant identified him in the Court. According to the learned A.P.P., the evidence has not been properly appreciated. Respondent-Accused did not explain how his vehicle was seized on spot.

3. Going through the Judgment and reasons, there appears to be an arguable case which requires this Court to reconsider and re-appreciate the evidence. As such leave is granted. The Application is allowed. Application be converted into Appeal.

4. Appeal is **Admitted**.

5. Action under Section 390 of Cr.P.C. be taken against Respondent-accused in the trial Court and brief report be called.

6. Paper Book be got prepared.

[A.I.S. CHEEMA, J.]

asb/MAR15