

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

Criminal Application No. 4347 of 2015

The State of Maharashtra,
Through the Police Station,
Railway Parali,
District : Beed.

.. Applicant
(Original complainant)

versus

Salim Sayyad Nuroddin Sayyad,
Age : 31 years,
Occupation : Brick Kiln Business,
R/o. Mussa Nagar, Udgir,
District : Latur,
& another.

.. Respondents
(Original accused).

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*Mr. M.M. Nerlikar, 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. M.M. Nerlikar 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-1, Udgir, in Sessions Case No. 17 of 2013, in favour of respondents (original accused), for offences punishable under Sections 366, 376(g) of the Indian Penal Code, and Section 3(1)(xi) & (xii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, by judgment and order dated 2nd May 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 Udgir.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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