

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

**CRIMINAL APPLICATION NO. 5286 OF 2013**

The State of Maharashtra .. Applicant

Vs.

Chandrakant Malkappa Gaikwad and ors. .. Respondents

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Mr. P.N. Muley, A.P.P. for applicant/State

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**CORAM : M.T. JOSHI, J.**

**DATE : 03/09/2015**

**ORAL ORDER :**

Heard learned A.P.P.

2. The record would show that the present respondents were convicted by the learned Judicial Magistrate First Class, Omerga for the offence punishable under section 324, 504 and 506 r/w. 34 of the Indian Penal Code.

. In appeal, the Sessions Court, however, has acquitted the respondents.

3. Learned A.P.P. submits that though the eye witnesses were examined, the learned Additional Sessions Judge, Omerga has acquitted the respondents for the reason that the Investigating Officer and the Medical

Officer were not examined.

4. In view of the conviction recorded by the learned Judicial Magistrate First Class, Omerga, in my view, arguable case is made out. In the circumstances, leave to file appeal is hereby granted.

5. Criminal Application is accordingly allowed.

6. Appeal be registered as per due procedure of law.

**[M.T. JOSHI]**  
**JUDGE**

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