

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 198 OF 2013

The State of Maharashtra	...	Applicant
vs.		
Shivaji Murlidhar Wabale & Ors.	...	Respondents

Mr. S.S.Pednekar, APP, for the Applicant-State.
Mr.Siddharth S. Gadre, i/b. Vijay Killedar, for the respondents

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th February, 2015.

P.C.

Heard the learned APP.

2. The State of Maharashtra, being aggrieved by the judgment and order passed by the Assistant Sessions Judge, Pune, in Sessions Case No.217 of 2012 thereby acquitting of all the respondents for the offences punishable under Sections 498A, 306 read with Sec.34 of IPC vide judgment and order dated 2.4.2013 has filed this application seeking leave to appeal.

3. Upon perusal of the judgment, it prima facie appears that there have been certain lapses on the part of investigation. That benefit has been extended to the accused persons. This Court is inclined to grant the application seeking leave to appeal only as far as respondent No.1 is concerned. However, the application seeking leave to appeal to the extent of respondent Nos. 2 to 5 is rejected.

4. Since the respondents are being represented by an Advocate who submits, upon instructions, that the respondents would remain present at the time of hearing of the appeal, this Court is not inclined to take action under Section 390 of Cr.P.C.

ORDER

- (i) The application is partly allowed.
- (ii) The application seeking leave to appeal against the respondent No.1 is allowed.
- (iii) The application seeking leave to appeal against respondent Nos. 2 to 5 stands rejected.
- (iv) Call for record and proceedings.

(SMT.SADHANA S.JADHAV, J.)