

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 248 OF 2013

The State of Maharashtra

.....Applicant

V/s.

Hemraj Mahadu Dalvi

....Respondent

Mr. A. S. Shitole APP for the State.
Ms. Shivani Kunder for Respondent

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : JANUARY 22, 2015

PC :

1) Heard learned APP and learned counsel appointed for the respondent. Perused notes of evidence. Upon perusal of evidence of P. W. 2 Laxman Kumbhar who happens to be brother of deceased, it appears that offence under section 498 (A) is primarily made out. However, prosecution has failed to establish the guilt of the accused under section 306 of Indian Penal Code and therefore, this Court is inclined to grant leave to appeal under section 306 of Indian Penal Code.

2) Leave to appeal is granted only to the extent of section 498 (A) of

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Indian Penal Code. Action under section 390 of Code of Criminal Procedure, 1973. Compliance report to be sent to this Court within 8 weeks. Call for record and proceedings.

3) Learned counsel appointed for the respondent has put in best of her efforts to espouse the cause of the respondent. Her professional fees are quantified to the tune of Rs. 1500/- to be paid to her within 3 months from today.

(SMT. SADHANA S. JADHAV, J.)