

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Appeal No.52 of 2015**

(Ramchandra Ankalu Jimade and another  
vs.

The State of Maharashtra, through P.S.O. Assarali District Gadchiroli)

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

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Court's or Judge's Orders

**CORAM : PRASANNA B. VARALE, J.**

**DATE : FEBRUARY 10, 2015.**

Heard Mr. Muhammad Ateeque, the learned Counsel  
for the appellants.

**ADMIT.**

Call for record and proceedings.

**Criminal Application [APPA] No.83/2015 :**

Heard the learned Counsel for the appellants/  
applicants. The learned Counsel submits that the applicants  
have raised substantial ground in challenge to the judgment and  
order passed by the learned Sessions Judge, Gadchiroli, dated  
21/01/2015 in the appeal presented by them. The learned  
Counsel submits that the learned Sessions Judge failed to  
appreciate the evidence in its proper perspective. He submits  
that though it was the case of the prosecution that the accused  
used the weapon like an axe and caused injury, there is  
absolutely no material placed on record in the form of either

recovery of the weapon or a medical certificate establishing the case of the prosecution. He further submits that the sentence awarded is of two years and as it was as short sentence, the applicants were on bail. It is further submitted that the applicants are the sole breadwinner of their family and maintaining family of old parents and a young son and a daughter.

Mrs. S.S. Jachak, the learned A.P.P. opposes the application.

Perused the judgment and order passed by the learned Sessions Judge.

In view of the submissions of the learned Counsel for the applicants, the application is allowed in terms of it's prayer clause (1).

The application stands disposed of as such.

**JUDGE**

*\*sdw*