IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 415 OF 2016
(DELAY)
IN AND WITH
CRIMINAL APPLICATION NO. 414 OF 2016
(LEAVE TO FILE APPEAL)

Chandrakant S/o Ramdas Jape .. Applicant

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. R.R. Karpe, Advocate for the applicant
Mr. C.V. Dharurkar, A.P.P. for the respondent/State
Mr. P.B. Vikhe Patil, Advocate for respondent nos.2 and 3

CORAM : N.W. SAMBRE, J.
DATE : 22/06/2016

ORAL ORDER :

Heard respective counsel for the parties.

2. For the reasons stated in the application, delay is condoned. Criminal Application No.415 of 2016 seeking condonation of delay stands disposed of accordingly.

3. The respondent nos.2 and 3/accused are acquitted of the offences punishable under section 420, 468, 471 r/w. 34 of the Indian Penal Code. The issue as

regards the date of birth i.e. 30/7/1969 is relevant issue, which forms the basis of the acquittal.

4. In my opinion, the Court below has committed an error in discarding the said issue without having regard to the birth certificate, particularly in relation to the old entries in regard to the birth. Hence, leave granted.

5. **Admit.**

6. Learned A.P.P. waives service of notice for respondent no.1/State and learned counsel for respondent nos.2 and 3 waives notice.

[N.W. SAMBRE]
JUDGE

arp/