

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1409 OF 2013

Dattuba S/o Laxman Aaran

.. Applicant
(Orig. Complainant)

Vs.

The State of Maharashtra and ors.

.. Respondents

Mrs. Vinaya Muley - Dharurkar, Advocate for the applicant

Mr. S.Y. Mahajan, A.P.P. for the respondent/State

Mr. P.M. Shinde, Advocate for respondent no.3

Respondent nos.2, 4 and 5 served - absent

CORAM : N.W. SAMBRE, J.

DATE : 04/08/2016

ORAL ORDER :

Heard.

2. The respondent nos.2 to 5/accused are acquitted of offences punishable under section 448, 497, 323 r/w. 34 of the Indian Penal Code.

3. While proving the charge of adultery, the complainant - Dattabhau and his son - Prabhakar were examined at Exhibit 37 and 48, respectively. While evaluating the evidence, the learned Court below has sought more degree of clarity and direct evidence in the matter of proving adultery.

4. In my view, the evidence of both these witnesses needs to be given re-look.

5. Leave granted.

6. **Admit.**

7. Learned A.P.P. waives notice for respondent no.1/State and Mr. Shinde, learned counsel waives notice for respondent no.3.

[N.W. SAMBRE]
JUDGE

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