

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1456 OF 2015**

The State of Maharashtra  
Through Police Station Chakur,  
Tq.Chakur, Dist. Latur.

**APPLICANT**

**VERSUS**

1. Shatrughna @ Dadarao Rangnath  
Sathe, Age 40 years, Occu. Agri.,
2. Birbal @ Ishwar Shatrughna @  
Dadarao Sathe, Age 20 yers, Occu.Aгри.
3. Sahebrao Rangnath Sathe,  
Age 38 years, Occu. Agri.
4. Sow. Antyabai w/o. Shatrughna @  
Dadarao Sathe, Age 40 years,  
Occu. Household and Agri.
5. Vijaykumar s/o. Baliram Tivghale,  
Age 39 years, Occu. Agri.
6. Baliram s/o. Bhanudas Muthe,  
Age 45 years, Occu. Agri.,

All R/o. Tivghal, Tq. Chakur,  
Dist. Latur.

**RESPONDENTS**

...  
Mr.S.G.Karlekar, APP for the applicant –  
State  
Mr.S.S.Thombre, Advocate for respondent nos.  
1 to 6.

...

**CORAM: S.S.SHINDE &  
V.K.JADHAV, JJ.**

Date: 13.12.2016

**PER COURT:**

1. Heard the learned APP appearing for the applicant – State and the learned counsel appearing for the respondents.

2. The learned APP appearing for the applicant–State invites our attention to the deposition of the eye witnesses and also the medical evidence and submits that the trial Court has not properly appreciated the evidence of the eye witnesses.

3. On the other hand, the learned counsel appearing for the respondents submits that the trial Court, upon appreciation of the evidence of the eye witnesses, found that the said suffers from inherent contradictions and improvements, and therefore, the evidence of the eye witnesses have been discarded. He further submits that once the substantial

evidence is discarded, though the medical evidence records finding of the homicidal death, in absence of substantive piece of evidence, the prosecution case cannot stand and the trial Court has rightly extended the benefit of doubt to the respondents.

4. Upon hearing the learned APP appearing for the applicant – State and the learned counsel appearing for the respondents and upon perusal of the evidence of the prosecution witnesses and in particular informant, who is injured, coupled with the medical evidence, we are of the *prima facie* opinion that the case in hand needs further scrutiny and re-appreciation of the evidence. Hence, the case is established for admission of the Appeal, allowing the application seeking leave to appeal.

5. Accordingly, the application seeking leave to appeal is allowed.

6. Appeal **admit.** On admission, Mr.S.S.Thombre, Advocate waives service on behalf of respondent nos. 1 to 6.

7. Action under Section 390 of Criminal Procedure Code to follow against the respondents before the Sessions Court, Latur.

**[V.K.JADHAV]**  
**JUDGE**

**[S.S.SHINDE]**  
**JUDGE**