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

CRIMINAL WRIT PETITION NO. 404 OF 2016

Rajesh Bhagwan Kuwar,
Age: Major, Occu: Service,
R/o: Kalambu, Tal. Shahada,
Dist. Nandurbar

..PETITIONER

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Rahul S. Pawar, Advocate for petitioner;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd April, 2016

ORDER :

Heard.

2. The petitioner is convicted for an offence punishable under section 323 of the Indian Penal Code and Criminal Appeal No.27 of 2010 against the said conviction is pending. In the said appeal, based on the ground that the learned Trial Court has not appreciated the evidence properly, the applicant moved an application (Exh.28) for re-trial, which came to be rejected by learned Additional Sessions Judge, Shahada, vide order dated 14th March, 2016.

(2)

3. Having heard the learned Counsel appearing on behalf of the petitioner at length, I do not see any reason to interfere with the order passed by the learned Additional Sessions Judge, as non-appreciation of evidence by the learned Trial Court cannot be a ground for ordering re-trial.

In view thereof, Criminal Writ Petition stands rejected.

(N.W. SAMBRE, J.)

amj