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

CRIMINAL REVISION APPLICATION NO.82 OF 2016

Sanjay s/o Haribhau Andhale
Age : 47 years, Occu. Business,
R/o Ajay Niwas,
Dharmik Pariksha Board Road,
Burudgaon Road, Ahmednagar,
Tq. & Dist. Ahmednagar

..APPLICANT

VERSUS

1. Shrikant s/o Popatlal Gandhi,
Age : Major, Occu. Business,
R/o 2552, Ghas Galli,
Ahmednagar, Dist. Ahmednagar

2. The State of Maharashtra

..RESPONDENTS

Mr K.D. Bade Patil, Advocate for applicant;
Mr P.P. Kothari, Advocate for respondent no.1;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 25th August, 2016

ORAL ORDER :

Heard.

2. Perused the judgment dated 18th February, 2016. rendered by learned Additional Sessions Judge, Ahmednagar, in Criminal Appeal No.42 of 2008.

3. It was expected of the learned appellate court to dwell upon the entire controversy including that of evidence of the respective parties; oral

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and documentary. What could be gathered from the impugned judgment is that the learned Additional Sessions Judge, in a most cryptic manner, has rendered the judgment, without dealing with evidence of the witnesses and the stand taken by the applicant.

4. In view thereof, in my opinion, a case for remand is made out. I, therefore, pass following order :-

The judgment dated 18th February, 2016. rendered by learned Additional Sessions Judge, Ahmednagar, in Criminal Appeal No.42 of 2008, is set aside.

The matter is remitted back to learned Additional Sessions Judge, Ahmednagar, for decision afresh.

Parties agree that they shall appear before the learned Additional Sessions Judge, Ahmednagar on 7th September, 2016.

Criminal Revision Application stands partly allowed in above terms.

(N.W. SAMBRE, J.)

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