

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1804 OF 2013
(FOR LEAVE TO FILE APPEAL)

The State of Maharashtra .. Applicant

Vs.

Jyotiram Gundu Chiwade and ors. .. Respondents

WITH
CRIMINAL APPEAL NO. 213 OF 2015

Sharmila Bharat Hasule .. Appellant

Vs.

Jyotiram Gundu Chiwade and ors. .. Respondents

Mr. A.R. Kale, A.P.P. for the applicant/State (Cr.
Application No. 1804/2013)

Mr. S.S. Panale, Advocate for the respondents 1 to 6 in both
matters

Smt. Sangmitra Wadmare, Advocate for the appellant in
Criminal Appeal No. 213/2015

CORAM : M.T. JOSHI, J.

DATE : 13/01/2016

ORAL ORDER :

Heard both sides. Perused the proceedings.

2. While the Criminal Application is filed by the State seeking leave to file appeal, the victim/complainant herself has filed Criminal Appeal, challenging the same order of acquittal passed by the learned Special Judge cum Additional Sessions Judge, Latur.

3. Hearing from both sides and reading of the reasons would show that the learned Special Judge has failed to appreciate the evidence on record and, thereafter, made observations on law. In that view of the matter, arguable case is made out. Leave to file appeal in Criminal Application No. 1804 of 2013 is hereby granted. Application stands disposed of accordingly.

4. Appeal be registered as per the due procedure of law. Since Criminal Application of the State is allowed and leave is granted, Criminal Appeal No. 213 of 2015 filed by the complainant is hereby disposed of.

5. The complainant would be at liberty to seek leave of this Court to assist the learned A.P.P.

[M.T. JOSHI]
JUDGE

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