

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

CRIMINAL APPLICATION NO. 1930 OF 2015

The State of Maharashtra **APPLICANT**

VERSUS

1. Sambhaji s/o. Sudhakar Deshmukh,
Age 25 years, Occu. Agri.
2. Sudhakar s/o. Bhagwanrao Deshmukh,
Age 55 years, Occu.
3. Maruti s/o. Sudhakar Deshmukh,
Age 20 years, Occu. Agri.
4. Munnibai @ Panchfula w/o. Vijaykumar
Mohite, age 27 years,
Occu. Private service,

All R/o. Babhalgaon, Tq. and
Dist. Latur

RESPONDENTS

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Mr.P.G.Borade, APP for Applicant – State
Mr.A.V.Patil, Advocate for respondents.

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**CORAM: S.S.SHINDE &
K.K.SONAWANE, JJ.**

Date: 22.11.2016

PER COURT:

1. Heard the learned APP appearing for the applicant – State and the learned counsel appearing for the respondent i.e. original accused.

2. The learned APP submits that, the evidence of the prosecution witnesses has not been properly appreciated by the trial Court. It is submitted that, the death of Mahadevi occurred in the matrimonial home at midnight on the day of incident within 3 years from the date of marriage.

3. On the other hand, the learned counsel appearing for the respondents invited our attention to the findings recorded by the trial Court and submits that, the evidence of the prosecution witnesses has been properly appreciated and considered by the trial Court and the trial Court has reached to the correct conclusion. The trial Court has taken a plausible view, and therefore, the interference in the impugned judgment and order is not warranted.

4. We have heard the learned APP appearing for the Applicant – State and the learned counsel appearing for the respondents. Perused the notes of evidence and in particular evidence of PW-3, PW-6 coupled with the medical evidence and other evidence, we are of the view that, the application seeking leave to appeal deserves

to be allowed. Hence, the application seeking leave to appeal is allowed.

5. Appeal '**Admit**'.

6. On admission of the Appeal, Mr.A.V.Patil, learned counsel waives service of notice for respondent nos.1 to 4.

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

Sd/-
[**K.K.SONAWANE**]
JUDGE

Sd/-
[**S.S.SHINDE**]
JUDGE