

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3709 OF 2015

The State of Maharashtra,
Through P.S.O. Thalner
Police Station, Tq-Shirpur,
Dist-Dhule.

...APPLICANT

VERSUS

Deva Yadas Mahanor (Thelari),
Age-30 years, Occu:Shephard,
R/o-Balsane, Tq-Sakri,
Now R/o-Gartad Shivar in the field of deceased,
Tq-Shirpur, Dist-Dhule.

...RESPONDENT

...

Mr.A.R. Borulkar, A.P.P. for Applicant.
Mr.Santosh B. Bhosale Advocate h/f. S.P.
Brahme Advocate for Respondent.

...

**CORAM: S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 24TH OCTOBER, 2016

ORDER :

. Heard the learned A.P.P. appearing for
the State and learned counsel appearing for the

Respondent.

2. The learned A.P.P. invites our attention to the evidence of prosecution witnesses and in particular the evidence of Bhaladar (PW-6) and submits that there is evidence to show that deceased was 'last seen' in the company of the accused. Apart from that there was assault on the deceased. C.A. Report also indicates that human blood stains were found on the clothes of the accused.

3. On the other hand, the learned counsel appearing for the Respondent submits that the evidence of prosecution witnesses is not reliable. He submits that the trial Court has rightly raised doubt about the evidence of the prosecution witnesses. He further submits that no proper care was taken while sending the articles to C.A. The counsel for the Respondent supports the reasonings recorded by the trial Court.

4. Upon hearing the counsel appearing for the parties and after perusal of the notes of evidence, we find that there is evidence of Bhaladar (PW-6) of last seen and also the fact that the respondent was caught hold of at the place of the incident. Hence the case is established for admission of the Appeal, allowing the Application seeking leave to Appeal.

5. The Application is allowed in terms of prayer clause (A), (B), (C), (D) and (F). Application stands disposed of accordingly.

6. Appeal **Admit.**

7. Action under Section 390 of Cr.P.C. to follow, against the Respondent, before the Sessions Court, Dhule.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]