

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4100 OF 2015

The State of Maharashtra, through Police
Inspector, Parner Police Station, District
Ahmednagar

APPLICANT

V E R S U S

Namdeo Pandu Madhe and others

RESPONDENTS

Mr. S.D. Ghayal, A.P.P. for the Applicant - State
Mr. P.S. Shinde, Advocate, holding for
Mr. S.G. Shinde, Advocate for Respondent Nos.1 & 2

**CORAM : A.V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 26th February, 2016

PER COURT :

1. The State has sought leave to file appeal against judgment and order dated 30th May, 2015, passed by the learned Ad-hoc Additional Sessions Judge, Ahmednagar, in Sessions Case No. 245 of 2012, acquitting all accused. This was a case of murder and of circumstantial evidence.

2. It is alleged that respondent no.1 / accused Namdeo had motive to murder of deceased Balu. The dead-body of Balu was found on

1st May, 2012, at about 07.00 a.m., lying by side of the road. The doctor opined that Balu died of homicide. The complainant is Balu's father, who alleged that the respondent / accused had probably committed Balu's murder. The evidence that came on record indicated that one of the respondents i.e. accused Mahadu was with Balu on previous day of the incident since morning till afternoon. He was last seen with Balu at about 04.00 to 05.00 p.m. Mahadu and Balu left Balu's house riding motorcycle saying that they were going towards Belhe village for mortgage. But, thereafter what happened to Balu, has not been explained by any witness. There is no witness indicating that Balu was seen at Belhe or elsewhere in the evening. Ultimately, Balu's dead-body was found at village Palshi shiwar. Respondent / accused no.1 - Namdeo's house was situated close to the place where Balu's dead-body was found. The circumstances also indicate that there were blood stains draining for some distance. No blood stains were found inside Namdeo's house. The evidence thus was insufficient. The lower Court came to conclusion that the respondents not committed any error and acquitted the accused. There is no leave to file appeal. In view of above, Criminal Application stands dismissed.

(INDIRA K. JAIN, J.)

(A.V. NIRGUDE, J.)