

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

CRIMINAL APPLICATION NO. 4522 OF 2015

The State of Maharashtra,
Through the Police Station,
Udgir (City), Dist. Latur ..Applicant

Vs.

Santosh Baburao Biradar,
Age : 29 years, Occ. Labour,
r/o. Datta Nagar,
Somnathpur Road, Udgir,
Dist. Latur
and ors. ..Respondents

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Mr.M.M.Nerlikar, A.P.P. for applicant
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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 20, 2016**

PER COURT :

Heard the learned A.P.P. for the applicant.
Perused the statements of the witnesses as well as
the impugned judgment.

2. From the evidence on record, homicidal death
of the deceased Vinod cannot be questioned. However,
there is neither direct nor circumstantial evidence
to connect the respondents with the death of the said

Vinod. It seems that the F.I.R. was lodged against one Devidas raising suspicion that because of the previous dispute, he must have committed murder of Vinod. However, the said person has been released on receiving report under Section 169 of the Code of Criminal Procedure.

3. Since there is neither direct nor circumstantial evidence appearing against the respondents, there is no point in granting leave for filing appeal against the judgment of acquittal, which is well reasoned. The learned trial Judge has considered the evidence on record properly. He has rightly appreciated the facts of the case as well as the evidence on record. In the circumstances, we are not inclined to allow this application.

4. Hence, the order :-

The application stands rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]