

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

CRIMINAL APPLICATION NO. 5277 OF 2015

**THE STATE OF MAHARASHTRA
VERSUS
VISHNU SHIVDAS SHINDE AND ANR.**

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Mr.S.B.Joshi, APP for Applicant

Mr.V.B.Deshmukh, Advocate for respondent nos.1 and 2

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 26, 2016**

PER COURT :

Heard the learned A.P.P. for the applicant.
Perused the findings recorded by the trial Court in
the light of the evidence on record.

2. It appears that the evidence of the
prosecution witnesses and in particular, that of
Vinod (PW 2), has not been considered properly by
the trial Court. Hence, a case is established for
allowing this application for grant of leave to file
appeal.

3. Hence, the application is allowed. Leave to file appeal is granted.

4. The appeal is **admitted**. Mr.Deshmukh, the learned Counsel for the respondents waives notice upon admission.

5. Action under Section 390 of the Code of Criminal Procedure to follow against the respondents.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp