

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5545 OF 2015

THE STATE OF MAHARASHTRA
VERSUS
LAXMAN S/O SHAMRAO GAIKWAD

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A.P.P. for Applicant : Mr. A.M. Phule
Advocate for Respondent : Mr. S.B. Madde

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**CORAM : S. S. SHINDE AND
V. K. JADHAV, JJ.**

DATED: 21st NOVEMBER, 2016

P.C. :-

1. Heard learned Additional Public Prosecutor and learned counsel for respondent.

2. Perused the depositions of prosecution witnesses and also the medical evidence. Upon perusal of evidence of Medical Officer, P.W.1, in no uncertain words, he has stated that the weapon used was blunt and not sharp. His evidence clearly states that no sharp weapon is used. Upon considering the evidence of the prosecution witnesses and the medical evidence, we are of the considered view that the findings recorded by the trial court are in consonance with the evidence brought on record. Therefore, the view taken by the trial court is possible view. No case is made out. Hence, application seeking leave to file appeal by the State, stands rejected.

(V. K. JADHAV, J.)

(S. S. SHINDE, J.)