

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6230 OF 2013
(The State of Maharashtra Vs. Datta Venkatrao Chitade
and others)

Mr. S.W. Munde, A.P.P. for the applicant/State
Mr. Joydeep Chatterji, Advocate for respondent
Nos. 1 to 6

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

DATE : 21st October, 2016

PER COURT :

Heard the learned A.P.P. and the learned
counsel for the respondents.

2. Perused the statements of the witnesses and particularly that of the informant, who has been examined as PW4 at Exh-65 and the medical evidence of Dr. Rameshwar Kande (PW1) at Exh-58. Though the eye witness – Dnyaneshwar Lahane (PW6) (Exh-76) seems to have resiled from his previous statement, from the evidence of the informant, which has been corroborated by his FIR to a great extent and also by the medical evidence, we are of the view that this is a fit case which needs to be considered for grant of leave to file

an appeal against the acquittal of the respondents. Prima facie, the learned trial Judge does not seem to have appreciated the evidence correctly and properly. In the circumstances, we pass the following order:-

3. The criminal application for grant of leave to file an appeal is allowed. The application stands disposed of. The office to register the appeal.

4. On registration of the appeal, it stands **admitted**. On admission of the appeal, Mr. Joydeep Chatterji, learned counsel waives service of notice for the respondents.

5. Action under section 390 of the Code of Criminal Procedure to follow.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

npj/criapln6230-2013