

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO. 6099 OF 2015

THE STATE OF MAHARASHTRA.
VERSUS
LALSING AMARSING BARELA (PAWARA)

...
Mr. B. B. Virdhe APP for Applicant

. . .

CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 5TH DECEMBER, 2016.

PER COURT:

1] Heard learned APP for the State. Perused the record, in particular, the depositions of prosecution witnesses. The trial court has not properly appreciated the circumstantial evidence brought on record by the prosecution. In fact, in paragraph No. 39 of the impugned judgment, the trial court has mentioned six circumstances, however, did not consider the same in the light of the evidence brought on record by the prosecution and in particular, evidence of PW-2 and medical evidence. In that view of the matter, we are inclined to allow this application, seeking leave to appeal. Accordingly the application is allowed. Same is disposed of.

2] Appeal is admitted. Action under Section 390 Cr.P.C. to follow against respondents before the Sessions Court, Dhule.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-