

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 35 OF 2015

[For leave to appeal by the State]

The State of Maharashtra.

..Applicant.

Versus

Dilip Tukaram Pavase and Others.

..Respondents.

Mrs. M. M. deshmukh for the Applicant.

Mr. V. B. Shivakar for Respondent Nos. 1 to 4.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **January 8, 2016.**

P. C. :

1. Heard learned APP for the State and the learned Counsel appearing for the Respondent-accused persons. Perused the impugned judgment and the depositions. All the accused persons have been acquitted despite the prosecution case being supported by four injured eye-witnesses. Eye-witness are not believed merely for the reason that they are interested witnesses. We are of the opinion that the arguable case is made out. Hence, leave to file appeal is granted. Application is allowed. Registry to number the appeal.

2. Appeal is admitted.

3. Let the action under section 390 of the Code of Criminal Procedure, 1973 be taken against the Respondent – accused.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]