

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.82 OF 2016
(FOR LEAVE TO APPEAL)

The State of Maharashtra
Versus
Shriram Balasaheb Hivare

..Applicant
..Respondent

Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE,
DR. SHALINI PHANSALKAR-
JOSHI, J J.**

DATE : 17th NOVEMBER, 2016.

P. C. :

Heard learned APP for the State.

2. The application is filed for leave to appeal against the impugned judgment and order dated 5th February, 2016, passed by learned Sessions Judge, Thane in Sessions Case No.280 of 2013, so far as it relates to respondents' acquittal of offences punishable under Sections 304-B and 302 of the Indian Penal Code, 1860.

3. Learned APP stated that by the impugned judgment and order, the respondent was convicted for the offence punishable under

Section 498-A of the Indian Penal Code, 1860 and sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs.1,000/- and, in default, to suffer Simple Imprisonment for one month. The respondent has challenged this part of the order by filing criminal appeal No.150 of 2016. This appeal is already admitted by learned Single Judge of this Court by order dated 1st March, 2016. In the above circumstances, we allow this application and grant leave to the State to file an appeal.

4. The Registry is directed to register the appeal. The appeal is admitted. The said appeal to be tagged along with criminal appeal No. 150 of 2016.

5. The Registry is further directed to initiate action under Section 390 of the Code of Criminal Procedure, 1973, against the respondent.

(DR. SHALINI PHANSALKAR-JOSHI)

[RANJIT MORE, J.]