

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.110 OF 2015

The State of Maharashtra .. Applicant
Versus
Dattatray Dashrath Kavitate & Anr .. Respondents

Mrs.P.P. Bhosale, APP for the applicant State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 9th FEBRUARY 2016

P.C. :

1 The State of Maharashtra had prosecuted the respondent nos.1 and 2 herein and one Ranu Sable, alleging commision of offences punishable under Sections 409 IPC r/w Section 34 IPC and section 420 of the IPC r/w Section 34 of the IPC. The Chief Judicial Magistrate found all of them guilty and as such, convicted them of the aforesaid offences sentencing them to undergo Imprisonment for a certain term and also to pay fine.

2 The three convicts appealed to the Court of Sessions. The Court of Sessions maintained the conviction in respect of Ranu Dadu Sable, but acquitted the present respondent nos.1 and 2. Being aggrieved by the said order of acquittal, the State of Maharashtra is, by the present application, seeking leave of this Court to file an Appeal therefrom.

3 In the course of hearing, it transpired that Ranu Dadu Sable whose conviction had been upheld by the Court of Sessions, had challenged the judgment and order passed by the Court of Sessions by filing an application for Revision before this Court. This Revision Application came to be allowed and the said Ranu Dadu Sable, whose conviction had been upheld by the Court of Sessions in Appeal, also came to be acquitted. (Criminal Revision Application No.282/15 decided on 13/7/2015) (Coram : M.L. Tahliyani, J).

4 I have glanced through the order passed in revision, a copy of which has been made available to me by the learned APP

5 In these circumstances, and upon considering all the relevant aspects of the matter, I do not think this to be a fit case where leave to Appeal should be granted.

6 Leave refused.

7 Application is rejected.

(ABHAY M. THIPSAY, J)