

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) No. 50/2016.

Nitin Shyam Mankar

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.**

DATE : NOVEMBER 22, 2016.

Heard Shri N.R. Bhisikar, learned counsel for the applicant, Shri Ghurde, learned A.P.P. for respondent no.1 and Shri Hazare, learned counsel for respondent nos. 2 to 4. Perused paragraph no.42.

2. Conclusion of absence of intention while negating application of Section 307 and 326 of Indian Penal Code, in paragraph no.42 of the impugned judgment is not supported by relevant material in the judgment.

3. Shri Hajare, learned counsel appearing for acquitted accused/respondent nos. 2 to 4, states that though they are acquitted of offence under section 307

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and 326 of Indian Penal Code, they have been convicted under other provisions and benefit of Probation of Offenders Act was extended to them. Accordingly, they have satisfactorily completed the bond period. Appeal has been deliberately filed belatedly.

4. Learned A.P.P. is seeking time to verify the facts.

5. In this situation, we grant leave as prayed for. Appeal preferred by the victim Nitin be registered.

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Criminal Appeal No. _____/2016.

Heard.

Admit. Hearing expedited.

Respective counsel waives notice.

2. As respondent nos. 2 to 4 have already completed their bond period and are represented by Shri Hazare, Advocate, they shall file an undertaking to this Court that they shall remain present on the date of final hearing along with their Advocate. They shall also furnish their postal and permanent address

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and contact number/s.

3. The undertaking be filed within a period of two weeks from today.

JUDGE

JUDGE

Rgd.