

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR.**

**Criminal Application (APPA) No. 630/2015**  
**(Smt. Shashikala wd/o Dadarao Gavai .vs. Gajanan Virbhan Meshram and others.)**

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

Court's or Judge's orders.

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Ms. Radha Mishra, Advocate (Appointed) for Applicant.  
Mr. U.J. Deshpande, Advocate for Respondent Nos. 1 to 8.  
Mr. J.Y. Ghurde, APP for Respondent No.9.

**CORAM : B.R. Gavai & Mrs. Swapna Joshi, JJ.**  
**DATED : March 30, 2016.**

1. The present application seeks leave to appeal against the judgment and order passed by the learned Sessions Judge, Akola in Sessions Trial No.16/2010 dated 30.07.2015 thereby acquitting the accused for the offences charged with. The accused are charged for the offences punishable under Sections 364, 302, 201 read with 34 of the Indian Penal Code.

2. The learned trial Judge while appreciating the evidence has found that the body of the deceased was found on a railway track between the two rails. The learned trial Judge further found that the alleged witnesses had turned hostile. The learned trial Judge from the nature of the injuries sustained by the deceased has found that the prosecution has even failed to prove that the death of the deceased was homicidal.

3. The view taken by the learned trial Judge cannot be said to be either perverse or impossible to

warrant interference. The view taken is certainly a possible view. In that view of the matter, we do not find that case is made out for grant of leave. The application is, therefore, rejected.

4. The fees of the learned counsel appointed to represent the applicant are quantified at Rs.1500/-.

**JUDGE**

**JUDGE**

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