

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1114 OF 2017

...

VAIJANATH S/O.DAMAJI KOLHE

VERSUS

THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Appellant : Mr.Amit A.Mukhedkar

APP for Respondent/State: Mr.A.R.Kale

Advocate for respondent nos.2 & 3:Mr.K.A.Kale

Advocate holding for Mr.Rajendra Deshmukh.

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CORAM: S.S.SHINDE &

MANGESH S.PATIL, JJ.

DATE : 21.11.2017

ORDER:

1] Heard learned counsel appearing for the applicant/appellant, learned APP appearing for the respondent-State, and learned counsel appearing for respondent nos.2 and 3.

2] We have carefully perused the findings recorded by the trial Court, and also the evidence of the prosecution witnesses and in particular the evidence of the informant, namely Vaijanath Damaji Kolhe, and also the medical evidence. *Prima facie*,

the evidence of respondent no.3 gets support from the medical evidence. Therefore, we are inclined to entertain this Application seeking leave. Accordingly, Application is allowed and the same stands disposed of.

3] Appeal is **admitted**. On admission, learned APP waives service of notice on behalf of respondent-State.

4] Action under Section 390 of the Criminal Procedure Code to follow before the Sessions Court at Nanded against respondent nos.2 and 3.

[MANGESH S.PATIL]
JUDGE

[S.S.SHINDE]
JUDGE