

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

CRIMINAL APPLICATION NO. 1735 OF 2016

The State of Maharashtra

...APPLICANT

versus

Devji Mahadu Ware and others

...RESPONDENTS

.....

Mr. A.D. Namde, APP for applicant – State

Mr. R.K. Temkar, Advocate for respondents No. 1 and 2.

Respondent No. 3 -served

...

CORAM : K.K. SONAWANE, J.

DATED : 8th JUNE, 2017.

Order :-

1. Heard learned APP and learned counsel appearing for respondents-accused.
2. There are allegations about culpable homicide not amounting to murder of school going boy, who succumbed to injuries due to electrocution. The prosecution has examined in all nine witness to bring home the guilt of accused. It is not in dispute before the learned trial court that the cause of death of the victim was due to electrocution. However, the point to be determined is, in regard to nexus and proximity of respondents-accused in alleged cause of death of the victim. Definitely, these are the points to be argued at length in the interest of justice in

this matter. I do not find any impediment to grant leave to present the appeal against impugned judgment and order of acquittal of respondents-accused passed by learned trial Court. Hence, leave is granted. Accordingly, appeal be registered. Record and proceedings has already been received.

3. List the Criminal Appeal for hearing before admission on 15th June, 2017.

[K. K. SONAWANE]
JUDGE

MTK