

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1679 OF 2017

Dhondiba s/o Khandu Ghodake

...APPLICANT

VERSUS

- 1) Ram @ Rama Bapu Ghodke,
- 2) Balaji s/o Rama Ghodke,
- 3) Bhairu s/o Khelba Ghodke,
- 4) Khelba Bapur Ghodke,
- 5) Bapu s/o Rama Ghodke,
- 6) The State of Maharashtra

...RESPONDENTS

...

Mr.P.S. Chavan Advocate for Applicants.
Mr.B.R. Jaybhay Advocate for Respondent Nos.
1 to 5.
Mr.V.M. Kagne, A.P.P. for Respondent No.6.

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**CORAM: S.S. SHINDE AND
A.M. DHAVAL, JJ.**

DATE : 13TH DECEMBER, 2017

ORDER :

1. Heard learned counsel appearing for the Applicant, learned counsel appearing for Respondent Nos.1 to 5 and learned A.P.P. appearing for the State. Perused the notes of evidence.

2. It prima facie appears that the evidence of the eye witnesses coupled with the medical evidence, has not been properly appreciated by the trial Court. In that view of the matter, we are of the opinion that case is established for allowing the Application seeking leave to appeal. Hence the Application is allowed and the same stands disposed of.

3. Registry to register the Appeal.

4. Appeal Admit. On admission, Mr. Jaybhay, learned counsel waives service for Respondent Nos.1 to 5. Learned A.P.P. waives service for State.

5. Action under Section 390 of Cr.P.C. to follow against Respondent Nos.1 to 5 before the Sessions Court, Osmanabad.

[A.M. DHAVALA, J.]

asb/DEC17

[S.S. SHINDE, J.]