

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

17 CRIMINAL APPLICATION NO. 2424 OF 2015
WITH APEAL/385/2015

THE STATE OF MAHARASHTRA
VERSUS
DATTATRAO SHIVARJI SHINDE & ORS

...
APP for Applicant/State : Mr. S.D. Ghayal
Advocate for Respondents : Mr. S.S.Rathi
...

**CORAM : T.V. NALAWADE AND
S.M. GAVHANE, JJ.**

DATED : December 18, 2017

ORDER :

. The application is filed for grant of leave to file appeal against judgment and order of Sessions Case No. 181/2011, which was pending in the Court of learned Joint Ad-hoc Additional Sessions Judge, Parbhani. Heard the learned APP.

2. It was brought to the notice of this Court that the other appeal filed by original complainant viz. Criminal Appeal No. 385/2015 is admitted only for the offence punishable under section 498-A r/w. 34 of IPC against respondents. But, it is dismissed for the offence punishable under section 307 r/w. 34 of IPC. This Court has seen the F.I.R. Allegation is there that attempt was made to forcibly administer the poison and by such

act, the offence punishable under section 307 r/w. 34 of IPC is committed. There is no circumstantial check and so, the appeal to that extent is dismissed.

3. So, the application is allowed and leave is granted only in respect of offence punishable under section 498-A r/w. 34 of IPC and it is rejected in respect of the remaining offence.

4. Appeal is **admitted** only for the offence punishable under section 498-A r/w. 34 of IPC. Statement is made by the learned counsel for the applicants that compliance of provisions of section 390 of Cr.P.C. is already made in other appeal. So, there is no need to give separate bail bonds by the respondents in the present matter.

5. Notice after admission. The learned counsel for respondents, accused waives notice for respondents. Stand over to 12.3.2018.

[S.M. GAVHANE, J.]

[T.V. NALAWADE, J.]

ssc/