

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

CRIMINAL APPLICATION NO. 2568 OF 2015

The State of Maharashtra

...APPLICANT

versus

Manik Nagappa Birajdar & ors.

...RESPONDENTS

.....
Mr. M.M. Nerlikar, APP for applicant - State

Mr. B.B. Dahiphale, Advocate holding for

Mr. N.P. Patil, Jamalpurkar, Advocate for Respondents No. 1 to 4

.....
**CORAM : S.S. SHINDE AND
K.K. SONAWANE, JJ.
DATED : 5th JANUARY, 2017.**

Order :-

1. Heard learned APP appearing on behalf of applicant - State and learned counsel appearing for respondents No. 1 to 4.
2. With able assistance of learned APP appearing for applicant - State, we have perused the notes of evidence, in our opinion, the evidence of witnesses, namely, P. Ws. 4 and 7 has not been properly appreciated by the trial court. As a matter of fact, one of the witnesses is injured. In that view of the matter, case is established for seeking leave to file an appeal. The application seeking leave to file an appeal is allowed and the same stands disposed of.
3. The appeal is **admitted**.
4. Action under section 390 of the Criminal Procedure Code to follow before the court of Additional Sessions Judge, Omerga, District Osmanabad.

Sd/-
[**K. K. SONAWANE, J.]**

Sd/-
[**S.S. SHINDE, J.]**