

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3012 OF 2016

The State of Maharashtra,
Satyabhama w/o Dagdu More,
Age-75 years, Occu:Household,
R/o-Nivali, Tq. & Dist-Latur

...APPLICANT

VERSUS

- 1) Dipak Lahu Vyadande,
Age-20 years,
- 2) Tanaji Harischandra Rasal,
Age-27 years,
- 3) Yashpal @ Dada Arun Sirsat,
Age-20 years,

All R/o- Niwali, Tq. & Dist-Latur.

...RESPONDENTS

...

Mr.S.Y. Mahajan, A.P.P. for Applicant.
Mr.S.A. Deshmukh Advocate h/f. Mr. M.S. Patil
Advocate for Respondent Nos.1 to 3.

...

WITH

CRIMINAL APPLICATION NO.944 OF 2017

Satyabhama w/o Dagdu More,
Age-76 years, Occu:Household,
R/o-Nivali, Tq. & Dist-Latur

...APPLICANT

VERSUS

- 1) Dipak Lahu Vyadande,
Age-20 years,
- 2) Tanaji Harischandra Rasal,
Age-27 years,
- 3) Yashpal @ Dada Arun Sirsat,
Age-20 years,

All R/o- Niwali, Tq. & Dist-Latur.

- 4) The State of Maharashtra,
Through its Police Inspector,
Police Station, Dhoki,
Tq. & Dist-Osmanabad.

...RESPONDENTS

...

Mr. T.M. Venjane Advocate for Applicant.
Mr.S.A. Deshmukh Advocate h/f. Mr. M.S. Patil
Advocate for Respondent Nos.1 to 3.
Mr.S.Y. Mahajan, A.P.P. for Respondent No.4.

...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 4TH MAY, 2017

ORDER :

1. Heard learned A.P.P. appearing for the State
in Criminal Application No.3012 of 2016 and
learned counsel appearing for the Applicant in
Criminal Application No.922 of 2017 and learned

counsel appearing for Respondents - accused. Perused the notes of evidence and in particular medical evidence and also the evidence of prosecutrix. We have carefully perused the findings recorded by the trial Court, and prima facie those findings do not appear to be in consonance with the evidence brought on record, and in particular evidence of the medical officer and the prosecutrix.

2. In that view of the matter, case is established for admission of the Appeals, by allowing these Applications seeking leave to appeal. Both the Applications are allowed and the same stand disposed of, accordingly.

3. Both the Appeals are **Admitted**.

4. On Admission of the Appeals, Mr. S.A. Deshmukh Advocate holding for Mr. M.S. Patil Advocate waives service for Respondent Nos.1 to 3. The learned A.P.P. waives service for State.

5. Action under Section 390 of the Code of Criminal Procedure to follow against the accused i.e. Respondent Nos.1 to 3, before the Sessions Court, Osmanabad.

[K.K. SONAWANE, J.]

asb/MAY17

[S.S. SHINDE, J.]