

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 3026 OF 2017

THAKUBAI GOROBA MUNDE
VERSUS
RAM SAMPATI MUNDE AND ANR

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Advocate for the Applicant: Mr.S.R.
Shirsat holding for Mr. S.S. Jadhavar
APP for respondent/State:Mr.A.R. Kale

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CORAM: S.S. SHINDE & MANGESH S. PATIL, JJ
Dated: October 09, 2017

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Heard learned counsel appearing for
the applicant and learned A.P.P.
appearing for the Respondent-State.

2. In spite of service, none appears for
Respondent No.1.

3. We have carefully perused the
findings recorded by the trial Court. In
our prima facie opinion, the Medical
Report and also the C.A. Report, which

connect the accused with commission of crime have not been properly considered by the Trial Court. So also other evidence is also not considered by the Trial Court. In that view of the matter, the case is made out to allow the application seeking leave to appeal. Accordingly, the application is allowed and the same stands disposed of.

4. **Appeal is admitted.** On admission, learned A.P.P. waives service.

5. Action under section 390 of Code of Criminal Procedure to follow before Sessions Court at Osmanabad.

(MANGESH S. PATIL, J)

(S.S. SHINDE, J)