

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.12 OF 2017

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

PRAVIN @ BABLYA MADHUKAR ARBUNE)...RESPONDENT

Ms.V.S.Mhaispurkar, APP for the Applicant - State.

CORAM : A. M. BADAR, J.

DATE : 15th FEBRUARY 2017.

P.C. :

1 This is an application for grant of leave to appeal for challenging the judgment and order dated 26th October 2016 passed by the learned JMFC, Palus, in Regular Criminal Case No.45 of 2014 thereby acquitting the respondent / accused of offences punishable under Sections 324, 323, 504 and 506 of the IPC.

2 Heard the learned APP and perused deposition of witnesses including injured PW2 Nitin Ghorpade, eye witness PW3

Vaibhav Kurle and Medical Officer PW6 Dr.Shivaji Gosavi. Prima facie, it is seen that evidence of injured PW2 Nitin Ghorpade is gaining corroboration from evidence of eye witness PW3 Vaibhav Kurle and medical evidence coming on record from PW6 Dr.Shivaji Gosavi. It is seen that the learned trial court ignoring this evidence has granted benefit of doubt to the accused by indulging in technicalities. Hence the order :

- i) Leave granted.
- ii) The application be treated as Memo of Appeal.
- iii) Admit.
- iv) Issue notice to respondent.
- v) Call for Record and Proceedings.
- vi) In the meanwhile, action under Section 390 of the Code of Criminal Procedure before the lower court.

(A. M. BADAR, J.)