

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.39 OF 2016

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

BAPUSAHEB SHAMRAO YADAV & ANR.)...RESPONDENTS

Mr.S.V.Gavand, APP for the Applicant - State.

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 2017.

P.C. :

1 Heard the learned APP. Perused the impugned judgment as well as deposition of the witnesses including that of informant PW1 Vikas Sabale. *Prima facie*, it appears that evidence of prosecution is not considered in proper perspective while acquitting the respondents of the offences alleged against them.

Hence the following order :

- i) The application is allowed.
- ii) Leave as prayed is granted.
- iii) Appeal is admitted.

iv) Call for Record and Proceedings.

v) Issue notice to respondents.

2 In the meanwhile, action under Section 390 of the Code of Criminal Procedure before the trial court.

(A. M. BADAR, J.)