

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.43 OF 2015

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

ANANTA JANARDAN MULE AND ORS.)...RESPONDENTS

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

CORAM : A. M. BADAR, J.

DATE : 20th MARCH 2017

P.C. :

1 This is an application for leave to appeal by the State for challenging the judgment and order dated 3rd February 2015 passed by the learned JMFC, Pandharpur, thereby acquitting respondent of offences punishable under Sections 323, 324, 504, 506 read with 34 of the IPC.

2 Heard learned APP appearing for the applicant / State.
Perused the copies of deposition of witnesses.

3 Informant PW2 Tanaji and his maternal uncle PW4 Jalindar are injured witnesses. They have stated the mode and manner of assault on them by accused persons and their evidence is corroborated by the evidence of PW1 Dr.Sudhir Deshpande. Still, prima facie, it is seen that, by excessive adherence to the rule of benefit of doubt, accused persons came to be acquitted of the offences with which they were charged. Case for grant of leave, as such, is made out. Hence the order :

- i) Leave, as prayed, is granted.
- ii) Admit.
- iii) Issue notice to respondents.
- iv) Application for leave to appeal shall be considered as Memo of Appeal.
- v) Call for Record and Proceedings.
- vi) In the meanwhile, action under Section 390 of the Code of Criminal Procedure, before the trial court.

(A. M. BADAR, J.)