

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.85 OF 2015
(For Leave to Appeal – By State)**

The State of Maharashtra ... **Applicant**
V/s.

Balasaheb Mahipati Narale & Ors. ... **Respondents**

.....
Mr.A.R.Kapadnis, APP for the Applicant/State
None for the Respondents.

....

CORAM : A. M. BADAR J.

DATED : 17th JANUARY 2017.

P.C . :

1 Heard the learned Additional Public Prosecutor for the applicant/State. He argued that evidence of the injured victim of the crime in question is duly corroborated by the medical evidence as well as eye witness account of the incident given by witnesses. According to the learned Additional Public Prosecutor, the impugned Judgment of acquittal is perverse.

2 None appeared for the respondent/original accused despite service. Perused evidence of P.W.No.1 Sarvasidha Karche and that of P.W.No.3 Waman Kalel and P.W.No.4 Kanifnath Karche. These witnesses are corroborating the version of

P.W.No.2 Narayan Kalel, who is an injured witness. There is medical evidence on record. *Prima faice* it is seen that the approach adopted by the learned trial Court in acquitting the accused persons of offences punishable under Sections 325, 323, 504 and 506 read with Section 34 of the Indian Penal Code is perverse. Therefore, the order :

- i) The application for leave to file an appeal is allowed.
- ii) The application be considered as Memo of Appeal.
- iii) Admit.
- iv) Notice to respondents/accused.
- v) Call for record and proceedings.
- vi) In the mean while action under Section 390 of the Code of Criminal Procedure before the trial Court.

(A. M. BADAR J.)