

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.340 OF 2016**

**PANDHARINATH VALMIK BIDVE )...APPLICANT**

**V/s.**

**ARUN VALMIK BIDVE AND ORS. )...RESPONDENTS**

Mr.S.V.Kotwal a/w. Ms.Shruti Padsalgikar i/b. Chetan Alai,  
Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 15<sup>th</sup> FEBRUARY 2017.**

**P.C. :**

1 Heard the learned advocate appearing for the applicant / original informant. Perused the judgment of conviction recorded by the learned JMFC as well as judgment of acquittal recorded by the learned Additional Sessions Judge, Niphad, District Nashik. *Prima facie*, it is seen that one of the victims had sustained fracture injury. However, still, disbelieving evidence of injured eye witnesses, respondents / accused were

acquitted by the learned appellate court of offences punishable under Section 325, 324 read with Section 34 of the IPC. As evidence of eye witnesses is gaining corroboration from medical evidence on record, this is a fit case for grant of leave. Hence the order :

- i) Leave granted.
- ii) The application be considered as Memo of Appeal.
- iii) Admit.
- iv) Issue notice to respondents.
- v) Learned APP waives notice for respondent no.5-State.
- vi) Call for Record and Proceedings.
- vii) In the meanwhile, action under Section 390 of the Code of Criminal Procedure.

**(A. M. BADAR, J.)**