

(1)

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

**CRIMINAL APPLICATION (APPA) NO.416 OF 2015
IN
CRIMINAL APPEAL NO. OF 2015**

Shri Javed Khan s/o Amannullah Khan ..APPLICANT

VERSUS

Smt. Usha w/o Jeevan Sachdeo
and anr.

..RESPONDENTS

Mr C.F. Bhagwani, Advocate for applicant;
Mr V.P. Gangane, Addl. Public Prosecutor for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 20th March, 2017

ORAL ORDER

Heard learned Counsel for the applicant and learned A.P.P. for respondent no.2. None for respondent no.1, though duly served.

2. Considering the defence taken by respondent no.1 and the evidence available on record, I am of the view that the applicant has shown that he has an arguable case. Therefore, this application deserves to be allowed.

3. The application is allowed and the leave to file an appeal under Section 378 (4) of the Criminal Procedure Code is granted.

The application is disposed of.

(2)

CRIMINAL APPEAL NO. OF 2015

Appeal be registered.

2. After registration of the appeal, notice before admission be issued to respondent no.1, returnable in two weeks.

3. Mr Gangane, learned A.P.P. waives notice on behalf of respondent no2/State.

4. To be heard along with Criminal Application (APPA) No.414 of 2015.

(N.W. SAMBRE, J.)

amj