

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 11 OF 2018

The State of Maharashtra vs. Nisar Vajir Momin and ors.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Smt. Anamika Malhotra, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 26th February, 2018

P.C.

1. This is an application under Section 378(4) of the Code of Criminal Procedure for leave to file appeal against the acquittal of the respondent in RCC NO.145/2014.

2. Heard learned APP for the State.

3. The respondents were charged under Sections- 324,323 and 504 read with 34 of the Indian Penal Code. After a full fledged trial, the respondents have been acquitted on the ground that the prosecution has failed to prove the case against them beyond reasonable doubt. The prosecution has failed to bring on record any evidence of independent eye witness in the crime. Likewise, the

prosecution has also failed to prove the fact that the respondents committed an offence as contemplated under Section 504 read with 34 of the Indian Penal Code.

5. After perusing the entire record, this Court is of the opinion that the view adopted by the Trial Court is probable in the facts and circumstances of the present case. I find no error is committed by the Trial Court either in law or facts in the impugned order in acquitting the respondents. No case for leave is made out.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)