

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.40 OF 2017

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

GOVIND GOPAL TAWARE AND ORS.)...RESPONDENTS

Mr.S.V.Gavand, APP for the Applicant – State.

Mr.Prasanna Shahani I/b. Mr.Milind Deshmukh, Advocate for
Respondent Nos.1 to 4.

CORAM : A. M. BADAR, J.

DATE : 15th OCTOBER 2018

P.C. :

1 Heard the learned APP for the State as well as the
learned counsel appearing for the respondent. Evidence of the
injured First Informant is gaining corroboration from medical
evidence adduced by the prosecution which includes oral evidence
of the Medical Officer as well as the documentary evidence.
Hyper-technical view of the matter is taken by the learned trial
court in acquitting the respondents/accused. Infact, immediately

after the incident, the First Informant had lodged report while taking treatment at the hospital but it was considered as report of non-cognizable case. Hence, the order :

ORDER

- i) The application for filing leave to appeal is allowed.
- ii) Leave as prayed is granted.
- iii) Memo of Application for leave to appeal be treated as Memo of Appeal on effecting necessary amendments thereto.
- iv) Leave to amend is granted.
- v) Admit.
- vi) Issue notice to respondents.
- vii) The learned counsel Mr.Prasanna Shahane waives notice for respondent nos.1 to 4.
- vii) Call for Record and Proceedings.
- viii) In lieu of action under Section 390 of the Code of Criminal Procedure, the respondents to execute P.R.Bond in the sum of Rs.15,000/- each, before the learned trial court, within the period of one month from today.

(A. M. BADAR, J.)