

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.59 OF 2017

The State of Maharashtra Applicant

versus

Ganpati Baburao Gundale & Ors. ... Respondents

.....

- Mrs.M.H. Mhatre, APP for the State/Applicant.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 06th AUGUST, 2018.**

P.C. :

1. By way of present Application, the Applicant is seeking leave to Appeal against the findings as recorded by the learned Additional Sessions Judge, Kolhapur, in the Judgment and Order dated 30/11/2016 in Sessions Case No.32/2014.
2. Heard the learned APP Mrs.Mhatre for the State.
3. We have perused the evidence placed on record. The learned Trial Judge upon perusal of the evidence has found that

the admittedly there was rivalry between the first informant and the eyewitness on the one hand and the accused on the other. The learned Trial Judge therefore found that the evidence of such eyewitness is required to be scrutinized with great caution. On perusal of the evidence, the learned Trial Judge found that this evidence is not of such nature to be trustworthy or reliable. The learned Trial Judge further found that various lacunas were there in the investigation. As such it cannot be said the prosecution has proved the case beyond reasonable doubt.

4. No perversity is found to warrant interference with the findings of the learned Trial Judge. Hence the Application for leave to Appeal is rejected.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)