

Vidya Amin.

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

CRIMINAL APPLICATION No. 57 OF 2018

The State of Maharashtra ... Applicant
VS.
Balaji Dattatraya Tarate ... Respondent

Mr. H.J. Dedhia, APP for the applicant/State.
Mr. Vinod P. Sangvikar, Advocate for respondent no. 1.

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ..**

DATED: AUGUST 28, 2018

P.C. :

1. Heard the learned APP appearing for the State and the learned counsel appearing for respondent no. 1.
2. The learned APP appearing for the State invites our attention to the Notes of evidence and the finding recorded by the trial Court and submitted that the trial Court has not properly appreciated the evidence of the eye witnesses. The medical officer has recorded the finding of homicidal death, therefore, he submitted that the Application deserves to be allowed.
3. We have considered the submissions of the learned APP.

Through his able assistance, we have perused the Notes of evidence and also the finding recorded by the trial Court. Upon careful perusal of the finding recorded by the trial Court, it appears that the evidence of the eye witnesses has not been properly appreciated by the trial Court and same has resulted into order of acquittal. In that view of the matter, case is established for allowing the Application seeking leave to Appeal. Hence, following order:

- (i) Application seeking leave to file Appeal against the judgment and order dated 27th February, 2018 is allowed.
- (ii) Application stands disposed of.
- (iii) Registry to register the Appeal. On registration of Appeal, **Admit.**
- (iv) Action under section 390 of Cr. P.C. to follow against the respondent before the Sessions Judge, Solapur.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)