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

CRIMINAL APPLICATION NO. 75 OF 2018

The State of Maharashtra

...Applicant

Vs.

Shahaji Ganpati Patil & Ors

...Respondents

Ms. S.V. Sonawane, APP for Applicant/State.

Mr. Ashok Dhamane for Respondent No.2.

**CORAM : S.S. SHINDE AND
A.S.GADKARI, J.J.**

DATE : 2nd November 2018.

P.C.:

1] Heard the learned APP appearing for the Applicant/State and the learned counsel appearing for the Respondents.

2] We have carefully perused the evidence of the prosecution witness and in particular PW No.1-Bajirao Porlekar and also the medical evidence.

Upon careful perusal of the findings recorded by the Trial Court, prima facie it appears that the Trial Court, while passing the impugned Judgment and Order has not properly considered the evidence of PW No.1-Bajirao and the medical evidence and recorded the perverse findings.

3] In that view of the matter, the case is established to allow the Application for seeking leave to file appeal against the Order of acquittal dated 29th August 2016 passed by the learned Additional Sessions Judge, Kolhapur.

Application is accordingly allowed.

4] Appeal is admitted on admission. Mr. Ashok Dhamane, the learned Advocate waives service for Respondents.

5] Action under Section 390 of Cr. P.C to follow against the Respondents before the Additional Sessions Judge, Kolhapur.

(A.S.GADKARI, J.)

(S.S. SHINDE, J.)