

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.40 OF 2018
(For Leave to Appeal - State)

The State of Maharashtra	...	Applicant
V/s.		
Ganesh Nanaso Patil & Ors.	...	Respondents
		
Mr.A.R.Kapadnis, APP for the Applicant/State.		
		

CORAM : A.M.BADAR J.

DATED : 5th JUNE 2018.

P.C. :

1 Heard the learned Additional Public Prosecutor for the State. Perused the impugned Judgment and Order of acquittal of the respondent/accused of offences punishable under Sections 143, 147, 148, 324, 323, 447, 504 read with 149 of the Indian Penal Code as well as copies of depositions of prosecution witnesses.

2 *Prima faice*, it is seen that evidence of injured witnesses Subhash Lavate and Dhanaji Lavate is clear, cogent and trustworthy. Same is gaining corroboration from evidence of Medical Officer, Anil Koli which is reflecting sustaining of severe injuries by the prosecution witnesses. *Prima facie*, it is seen that the impugned Judgment and Order of acquittal is perverse and, therefore, the Order :

ORDER

- i) Leave, as prayed, is granted. Admit.
- ii) The application for grant of leave to appeal be treated as Memo of Appeal and accordingly the applicant to make necessary amendments therein.
- iii) Issue notice to respondents.
- iv) Call for Record and Proceedings.
- v) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the learned trial Court.

(A.M.BADAR J.)