

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.224 OF 2014

MAHENDRA GAUTAM PAGARE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ORS)...RESPONDENTS

Mr.Hemant Ingle I/b. Mr.Prashant Goyal, Advocate for the Applicant.

Mr.Pratham Shirvale I/b. Mr.Sanjay Prabhakar Shinde, Advocate for Respondent Nos.2 to 4.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th OCTOBER 2018

P.C. :

1 Heard the learned counsel appearing for the applicant/ First Informant. Perused the record made available.

2 The learned counsel for the respondent nos.2 to 4 submits that he is required to examine the record and proceedings.

3 Prima facie, it is seen that evidence of the applicant/
PW1, who is the victim of the subject crime, is corroborated by
evidence of PW2 Nandu Talekar. However, by taking hyper-
technique view of the matter, the learned trial court is pleased to
acquit the respondent nos.2 to 4 of the alleged offence. Case for
consideration is, therefore, made out. Hence, the order :

ORDER

- i) Leave as prayed is granted.
- ii) Memo of Application for leave to appeal be treated as Memo
 of Appeal on effecting necessary amendments thereto.
- iii) Leave to amend is granted.
- iv) Admit.
- v) Issue notice to respondents.
- vi) The learned APP waives notice for respondent no.1/State.
- vii) Call for Record and Proceedings.
- viii) In the meanwhile, action under Section 390 of the Code of
 Criminal Procedure before the learned trial court.

(A. M. BADAR, J.)