

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.263 OF 2018

Chandrabhas Kamlakar Patil ... **Applicant**

V/s.

Hemant Bhanudas Patil and ors. ... **Respondents**

Mr.P.G. Jagdale for the applicant.

Mr.S.V. Gavand, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 16th AUGUST 2018.

P.C. :

1. This is an application for leave to appeal filed by the first informant
2. Heard the learned Advocate appearing for the applicant / first informant as well as the learned Additional Public Prosecutor appearing for the respondent / State.
3. Injured witness Anil has candidly stated that accused persons gave blow of sword on his head but he attempted to ward all those blows by his hands. Evidence of medical officer shows that injured PW2 Anil had suffered traumatic amputation at the level of the wrist of

left forearm. This version of the medical officer corroborates evidence of PW2 Anil and points out that blow of sword were directed at the head of injured Anil and this *prima facie* reflect intention of murder coupled with an overt act and makes out offence punishable under Section 307 of the India Penal Code. Therefore the order;

:: ORDER ::

- (i) Leave as prayed is granted.
- (ii) Admit
- (iii) Issue notice to the respondents.
- (iv) The learned Additional Public Prosecutor waives notice for respondent no.5 /State.
- (v) Call for Record and Proceedings.
- (vi) In the meanwhile action under Section 390 of the Criminal Procedure Code before the learned Trial Court.

Vina
Arvind
Khadpe

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Vina Arvind
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(A.M.BADAR J.)