

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION No. 108 OF 2016
(For leave to appeal by State)

The State of Maharashtra

....Applicant

Vs.

Nitin M. Patil and Ors.

....Respondents

Mr. Swapnil S. Pednekar -APP for the Applicant

Mr. Ganesh Gole a/w. Sagar J. Ruparel for Respondent Nos. 1 to 4

CORAM : PRAKASH D. NAIK, J.

DATE : 16 JANUARY, 2018.

P.C. :-

1. This is an application seeking leave to file an appeal against the judgment and order dated 5th June, 2015 passed by the Additional Sessions Judge, Kolhapur. The Respondents/Accused were charged for commission of offences punishable under Section 498-A, 323, 504, 34 of the Indian Penal Code. Heard both the sides.
2. The learned APP for the State submits that the judgment of the Trial Court is contrary to law. The deceased committed suicide at the matrimonial home within a span of four years after the marriage. It is further submitted that there is a discrepancy in the dying declaration and, therefore, the accused cannot be acquitted by the Sessions Court, Kolhapur.
3. The learned Advocate for Respondent no.2, however, submits that

the order of the Trial Court is based on the reasons which does not require interference and, therefore, no case is made out for granting leave to file appeal.

4. Arguable questions are raised and hence, leave is required to be granted for challenging the judgment and order of acquittal. Hence, I pass the following order:

ORDER

- (i) Leave is granted.
- (ii) Appeal is admitted.
- (iii) Call for the record and proceedings.
- (iv) Action under section 390 of Criminal Procedure Code is dispensed with.

[PRAKASH D. NAIK, J.]