

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.79/2016

AND

CRIMINAL APPEAL NO.16/2016

Amol Gopalsingh Maher

...Versus...

The State of Maharashtra, through Police Station Officer, Police Station,
Yavatmal (Rural) and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P. Kariya, Counsel for applicant/appellant
Shri K.L. Dharmadhikari, A.P.P. for respondent no.1

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 30/01/2018

Heard.

On hearing the learned Counsel for the parties and on a perusal of the judgment of the Sessions Judge, Yavatmal dated 23/9/2015 in Sessions Case No.80/2013, we find that the learned Sessions Judge has correctly appreciated the evidence on record to hold that the prosecution has failed to prove that the respondent nos.2 to 4 had kidnapped the deceased with an intention to kill him and had knowingly caused his death. We find on a reading of the judgment that the case is based on circumstantial evidence and the chain of circumstances is not complete. We further find that the recovery is not proved. The chemical analyzer's report also does not support the case of the

prosecution. In the circumstances of the case, the learned Sessions Judge has rightly held that the accused were entitled to be acquitted for the offences punishable under Sections 364, 302, 201 read with Section 120-B of the Penal Code and Section 4/25 of the Arms Act.

No case is made out by the applicant/appellant for grant of leave to file the appeal. Hence, the prayer made by the applicant/appellant for grant of leave to file the appeal against the acquittal of the respondent nos.2 to 4 is rejected.

The criminal application as well as criminal appeal stand disposed of accordingly.

JUDGE

JUDGE

Wadkar