

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

CRIMINAL APPLICATION (APPA) NO.91 OF 2017

IN

CRIMINAL APPEAL NO. OF 2017

(Lalchand s/o Sahajumal Panjawani ..vs.. Ekhas s/o Harun Ansari and others)

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

Court's or Judge's orders

CORAM : ROHIT B. DEO, J.

DATED : 05-03-2018

Heard Shri A.S. Chakotkar, learned Counsel holding for Shri V.G. Wankhede, learned Counsel for the applicant and Shri Mir Nagman Ali, learned Counsel for the respondents.

2. The application seeks leave under Section 378(4) of the Criminal Procedure Code to challenge the judgment and order dated 17-12-2016 rendered by the learned Judicial Magistrate First Class, Court 3, Karanja Lad in Summary Criminal Case 588/2013, by and under which the respondents are acquitted of offence punishable under Sections 294, 506, 447, 323 and 326 read with Section 34 of the Indian Penal Code.

3. I have perused the depositions placed on record and the reasoning of the learned Magistrate.

4. The learned Counsel for the respondents Shri Mir

Nagman Ali states that in a counter case arising from the same incident, the son of the applicant Kamal is convicted for offence punishable under Sections 325 and 504 read with Section 34 of the Indian Penal Code. He, however, fairly states that in every probability both the trials were not taken up simultaneously.

5. Be that as it may, arguable issues are raised and this Court would like to have a second look at the evidence on record.

6. The application is allowed. Leave to appeal is granted. The appeal be registered.

Criminal Appeal No. ____/2018.

Heard.

Admit.

Call record and proceedings.

Action under Section 390 of the Criminal Procedure Code be initiated.

JUDGE

adgokar