

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

CRIMINAL APPLICATION (APPA) NO.504/2018

Ashok s/o Uddhav Deulkar .vs. State of Maharashtra, through PSO
P.S.Maregaon, Yavatmal and anr.

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

Court's or Judge's orders.

Mr. M. Anilkumar, Advocate for applicant.
Mr. A. Joshi, A.P.P. for non applicant no.1-State.
Dr. Jamal, Advocate for non applicant no.2.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 19, 2018

This is an application for grant of leave to file appeal. Non applicant no.2-Ravikant Nikhade is acquitted by the learned Ad hoc Assistant Sessions Judge-1, Kelapur on 28.02.2018 in Sessions Trial No.15/2013 for the offence punishable under Section 498-A and 306 of the Indian Penal Code.

I have heard Mr. M. Anilkumar, learned counsel for appellant-original complainant, Mr. Joshi, learned A.P.P. for State and Dr. Jamal, learned counsel for non applicant no.2. Learned counsel for appellant has invited my attention to the finding recorded by learned Court below in paragraph nos.17 and 19, which clearly show that the Court below itself has ruled out the accidental death and also found that the death was unnatural one.

Though, there can be debate as to the timing of filing of Relinquishment Deed in the Court below, in my view, the applicant has made out a case for reconsideration of the finding of the Court below.

In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Leave is granted to appellant to file the appeal against acquittal.
- (iii) As original accused-non applicant no.2 is appearing through his counsel, action under Section 390 of the Code of Criminal Procedure need not be taken.

The application is disposed of.

Criminal Appeal No. _____/2018

Heard Mr. M. Anilkumar, learned counsel for the appellant.

Admit. Call for the record and proceedings.

Mr. Joshi, A.P.P. waives notice for respondent no.1-State and Dr. Jamal, Advocate waives notice for respondent no.2.

JUDGE