

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 129 OF 2019
(FOR LEAVE TO FILE APPEAL)**

The State of Maharashtra
Vs.
Madhukar Shankar Patil

.. Applicant
.. Respondent

Mr.J.P.Yagnik, APP for State.
Mr.Manoj A.Patil, for Respondent.

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 13th NOVEMBER, 2019.

P. C. :

. Heard.

2. This is an application filed by State of Maharashtra for leave to file Appeal.

3. By the impugned order, the respondent is acquitted for offence punishable under sections 307, 323 and 504 of Indian Penal Code. With the assistance of the learned Counsel appearing for the respective parties, we have perused the impugned judgment and order. In order to prove the guilt of the respondent-accused, prosecution examined 8 witnesses. Out of these 8 witnesses, Ananda – P.W.2 was injured eyewitness. In addition prosecution also examined the son of injured and brother of the injured as P.W.1 & 3 respectively. Dr.Jatindar Kumbar was examined as P.W.7 who has proved injury suffered. Learned Judge

however acquitted the respondent on the ground that there is no independent witness and witnesses who are examined are interested witnesses. Prima facie, in our considered view, the approach of the learned Judge is not correct. We therefore grant leave to file Appeal. Appeal is admitted. Registry is directed to number the Appeal. Action under section 390 is directed.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]

Urmila P. Ingle
Digitally signed
by Urmila P.
Ingle
Date:
2019.11.18
17:23:21 +0530