

Urmila Ingale

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

APPLICATION FOR LEAVE TO APPEAL (STATE) NO. 121 OF 2019

The State of Maharashtra	.. Applicant
Vs.	
Jehara Mohammed Mehendi Sayyed	.. Respondent

Mr. Arfan Sait, APP for State.

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

DATE : 13th NOVEMBER, 2019.

P. C. :

. Heard.

2. The applicant has filed application for leave to file Appeal against the judgment and order of acquittal. The respondent was charged for an offence punishable under sections 302, 201 of the Indian Penal Code. By the impugned order however she has been acquitted.

3. The deceased is husband of the respondent – accused. Learned Judge has concluded that death of the deceased is homicidal. There is no eyewitness to the incident. Learned Judge took into consideration two circumstances namely the respondent was last seen in the company of the deceased and the motive. Learned Judge, however, failed to consider another two circumstances namely subsequent conduct of the respondent as well as the injuries on the body of the deceased

namely abrasion as it is evident from the post mortem report.

4. In the above circumstances, we grant leave to file Appeal and admit the Appeal. Registry is directed to register the same. In addition to above, we also direct action under section 390 of Crpc.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]

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