

BDP-SPS

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 59 OF 2018**

The State of Maharashtra
(Through Bandra Railway Police Station)Applicant
(Orig. Complainant)

V/s

Shahanavaj Abdul Shakur Respondent
(Orig. Accused)

Mr. S.V. Gavand, APP for the Applicant/State.
Ms. Misbaah Solkar for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 2, 2019

P.C.:-

1] This is an application for grant of leave to appeal, as the Respondent/Accused is acquitted of an offence punishable under Section 354 of the Indian Penal Code.

2] Perused the Judgment impugned and the material available on record.

3] There is material contradiction on the issue of seizure of the clothes of the Accused. As such, serious doubt is raised about identity

of the Accused.

4] Apart from above, no independent witnesses were examined in support of the case, as the incident has occurred at public place (Railway Station).

5] The view expressed by the court below for acquitting the accused is a possible view. Hence, leave is refused.

(NITIN W. SAMBRE, J.)