

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

**CRIMINAL APPLICATION STAMP NO.72 OF 2018
(For leave to Appeal)**

The State of Maharashtra : Applicant.
Versus
Ganesh Bhagvan More and anr. : Respondents.

Ms P. P. Shinde, APP, for the Applicant/State.

**CORAM : A.S.OKA &
A.S.GADKARI, JJ
DATE : 21st January 2019**

P.C.

1 This is an application under Section 378(3) of the Criminal Procedure Code for leave to file an appeal against the Judgment and Order dated 23rd May 2018 passed by the learned Additional Sessions Judge, Pune acquitting the respondents from the offence punishable under Sections 302, 201 and 404 read with section 34 of the Indian Penal Code.

2 Heard the learned APP for the State. Perused the entire evidence available on record.

3 It is the prosecution case that, the respondents committed murder of Nana Pandurang Dabade and thereafter destroyed the evidence to save themselves from the clutches of law. The evidence on record indicates that the alleged dead body of Nana Dabade was found in a totally decomposed condition. There is no evidence available on record to establish the identity of the corpse as the same is of Nana Dabade. The Trial Court has recorded a

finding that no conclusive scientific evidence has come on record to arrive at a conclusion that the corpses was of Nana Dabade.

4 As noted earlier, the respondents were specifically charged for the commission of murder of Nana Dabade thereby attracting section 302 of the Indian Penal Code. The basic fact about the identity of the corpse as the same is of Nana Dabade has not been established by the prosecution beyond reasonable doubt.

5 After perusing the entire evidence available on record, this Court is of the considered opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case and does not require interference at the hands of this Court.

6 We find no merits in the application.

7 The application is accordingly rejected.

[A.S.GADKARI, J]

[A.S.OKA, J]