

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

CRIMINAL APPLICATION (APPA) NO.256/2019 IN
CRIMINAL APPEAL NO. _____/2019

Premanand Shivramji Ingole .vs. Nilesh Kishorrao Brahmne 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. C. B. Dharmadhikari, Advocate for applicant.
Mr. A. K. Bhangde, Advocate for non applicant no.1.
Mr. N. B. Jawade, A.P.P. for non applicant no.2.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 10, 2019

Heard Mr. Dharmadhikari, learned counsel for applicant, Mr. Bhangde, learned counsel for non applicant no.1 and Mr. Jawade, learned A.P.P. for non applicant no.2.

This is an application for leave to file the appeal. For the reasons stated in the application, leave to file appeal is granted.

The application is disposed of.

Criminal Appeal No. _____/2019

Heard.

Present appeal is filed against judgment and order of acquittal passed by learned Additional Sessions Judge on 04.12.2018 in Sessions Trial No.479/2017, whereby the Court below acquitted non applicant no.1 of the offence punishable under Sections 498-A and 306 of the Indian Penal Code.

At the outset, learned counsel for appellant, submits that though respondent no.1 is acquitted of the offence punishable under Sections 306 of the IPC, he is not pressing the present appeal *qua* acquittal of the offence under Section 306 of the IPC.

After hearing learned counsel for the appellant in respect of offence punishable under Section 498-A of the IPC and after reading the impugned judgment and particularly in view of the evidence of PW1 and PW2, the parents and PW5 to PW7 the neighbours of the deceased Smita, I am of the view that second thought is necessary in the present appeal. Hence, **ADMIT**, only in respect of accusation for for the offence punishable under Section 498-A of the IPC.

Call for the record and proceedings.

Mr. Bhangde, learned counsel waives service for respondent no.1 and Mr. Jawade, learned A.P.P. waives service for respondent no.2.

Since, respondent no.1 is appearing through his counsel, action under Section 390 of the Code of Criminal Procedure shall not be initiated.

JUDGE