

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

CRIMINAL APPLICATION (APPA) NO. 343 OF 2018
IN CRIMINAL APPEAL NO. OF 2019

(The State of Maharashtra thr. PSO, PS, Nandgaon (Khandeshwar), Dist. Amravati vs. Kishor s/o Annaji Khode)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : SUNIL B. SHUKRE &
PUSHPA V. GANEDIWALA, JJ.
MARCH 27, 2019.**

Heard Shri V.P. Maldhure, learned APP for the applicant - State and Shri P.V. Navlani, learned counsel for the non-applicant.

One of the charges framed against the respondent was under Section 304-B of Indian Penal Code. We find that there is no discussion made in the judgment in respect of the suspicious death or otherwise in the present case, which is basic requirement of the charge under Section 304-B of IPC. It is also seen that it is an admitted fact that death was due to burns, but the finding recorded is that it was not a suicidal death. The point regarding suspicious death has also not been framed in the impugned judgment. The impugned judgment does not elaborate in any manner the nature of the death, whether it was suspicious or accidental or natural.

Of course, there are many improvements made by key prosecution witnesses, but we are of the view that overall impact of these improvements would have to be

examined in the light of some of the admitted facts in the present case.

We, therefore, grant leave to the applicant to file Appeal under Section 378 (3) of the Criminal Procedure Code. Accordingly, appeal be registered.

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Heard the learned counsel for the respective parties.

Admit.

Call for R. & P.

Shri Navlani, learned counsel waives notice for the respondent, on merits.

The respondent is directed to be released on bail on his furnishing a P.R. Bond of Rs.25,000/- together with one surety in the like sum before the acquitting court at Amravati. The acquitting court is directed to send a copy of the bonds to this court for record.

JUDGE

JUDGE

*GS.