

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

CRIMINAL APPLICATION (APPA) NO. 440 OF 2019

The State of Maharashtra, through P.S.O, P.S. Buldana (Rural), Buldana .Vs.
Gajanan Kisan Karekar

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

Court's or Judge's orders.

Mr. N.B. Jawade, A.P.P. for appellant.
Mr. S.S. Bhalerao, Advocate for respondent.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 19, 2019

This application is filed on behalf of the State seeking leave to file an appeal against judgment of acquittal passed by the learned Judicial Magistrate First Class, Buldana, thereby acquitting the respondent of the offence punishable under Sections 279, 337, 338 and 304(a) of the Indian Penal Code and under Section 188/177 of the Motor Vehicles Act in Summary Criminal Case No.931/2016.

The first information report is lodged by Rajdeep Keshvarao Helode (PW1) who was running partner of Ankush Mankar who was aged about 18 years. They were doing running exercise on the day of the incident and that time respondent Gajanan Karekar was plying his motorcycle having registration no.MH-20/J-8902 and gave dash, resulting into accident of deceased Ankush Mankar.

After perusal of the impugned judgment, I am of the opinion that second thought is necessary to the judgment of acquittal as delivered by the learned Magistrate.

Hence, application is allowed. Leave granted to the State to challenge the judgment and order of acquittal passed by the learned Magistrate.

The application is disposed of.

CRIMINAL APPEAL NO. _____ OF 2019.

Heard.

Admit.

Call for record and proceedings.

Since respondent is represented by his counsel, no action under Section 390 of the Code of Criminal Procedure shall be initiated.

JUDGE

srwagh