

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

CRIMINAL APPLICATION (APPA) NO.1166 OF 2018

IN
CRIMINAL APPEAL NO. OF 2018

(The State of Maharashtra thr. PSO PS Bhandara Vs. Mr. Jageshwar s/o Antu Walde
and another)

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

Court's or Judge's orders.

Shri A.M. Joshi, APP for Appellant/State.
Shri Abdul Bashir, Advocate for Respondents 1 & 2.

CORAM: V.M. DESHPANDE, J.
DATE: 23rd JANUARY, 2019.

Heard Shri A.M. Joshi, the learned Additional Public Prosecutor for the appellant/State and Shri Abdul Bashir, the learned counsel for respondents No.1 and 2. The learned Chief Judicial Magistrate, Bhandara on 22.01.2015 convicted the respondents for the offence punishable under section 406 read with section 34 of the IPC.

Against the said the respondents preferred Criminal Appeal No.18/2015 before the Sessions Court and the learned Additional Sessions Judge, Bhandara on 06.06.2017 allowed the appeal and upset the order of conviction.

After hearing the parties and after perusing both the judgments, I am of the view that another look is required to the order passed by the learned Appellate Court.

Hence, the application is allowed. Leave is granted to the State to file appeal. Appeal is **admitted**. Shri Abdul Bashir, the learned counsel waives service for respondent No.1 and respondent No.2. Since he is representing respondent No.1 and respondent No.2, there need not be action under section 390 of Cr.P.C.

JUDGE

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