

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

CRIMINAL APPLICATION (APPA) NO. 340/2019

The State of Maharashtra, through P.S.O., P.S. Loni, Dist. Amravati,
..VS..

Ijjaj Moulana Yunus,

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

Court's or Judge's orders

Shri S. A. Ashirgade, APP for the applicant.
Shri S. I. Ali, Advocate for the respondent.

CORAM : SUNIL B. SHUKRE AND
MADHAV J. JAMDAR, JJ.

DATED : 24th February, 2020

Heard Shri S. A. Ashirgade, learned APP for the applicant and Shri S. I. Ali, learned Advocate for the respondent – accused.

Perused the judgment and deposition of the victim of crime. Shri S.A. Ashirgade, learned APP submits that there are no circumstances available on record which would create any doubt about trustworthiness of the victim of crime. He further submits that just because evidence was not supported by medical evidence, it could not be said that the victim of crime was telling lies before the Court. He also submits that there is no evidence to show that there was a previous enmity between family of the victim of crime and the respondent. Learned APP further submits that no facts and circumstances probabalising defence of enmity have

been brought on record rather no such defence has been taken in any way.

Upon consideration of the evidence available on record, we find that an arguable case has been made out in the present case.

Leave to file appeal is granted.

CRIMINAL APPEAL NO. _____/2020

Heard.

Admit.

Call for R. and P.

Action under Section 390 of the Code of Criminal Procedure be taken against the respondent.

JUDGE

JUDGE