

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

CRIMINAL APPLICATION (APPA) NO. 835/2019
IN
CRIMINAL APPEAL NO. /2020

State

..VS..

Rajendra H. Tadaskar & ors.

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

Court's or Judge's orders

Ms. M. Deshmukh, APP for the applicant/appellant

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 15/12/2020

1] Though notice of this criminal application was served on the respondents – accused, they failed to put in appearance. Therefore, this Court passed an order on 10/01/2020 directing issuance of bailable warrant against the respondents. Later on, on the same day, Shri Y.J. Sheikh, Advocate had appeared for the respondents and had sought time. Accordingly, the matter was adjourned to 31/01/2020. The office note shows that Shri Y.J. Sheikh, Advocate has not filed reply though power is filed. None appeared for the respondents when the matter was called out.

2] After going through the criminal application, we are satisfied that the explanation given on behalf of the appellant for delay of 44 days in filing the appeal can be accepted. Hence, the delay is condoned.

3] The criminal application is **allowed** accordingly.

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4] Taken up for hearing on admission.

5] With the assistance of the learned APP, we have gone through the impugned judgment and the notes of evidence of Anil Sukhdeorao Bhagat- PW 1 (Informant), Yash Anilrao Bhagat – PW 3 and Savita Anilrao Bhagat – PW 4.

6] Learned APP has pointed out that the evidence of these eye witnesses is discarded by the learned Sessions Judge recording that there are material contradictions, which according to the learned APP is not correct.

7] We find that the matter requires consideration by this Court.

8] Hence, leave to file appeal is granted. The appeal is **admitted**.

9] Action be taken as per Section 390 of the Code of Criminal Procedure.

10] The respondents – accused shall remain present before this Court on the next date of hearing of this appeal failing which this Court may direct issuance of non-bailable warrant to secure their presence.

11] As R. & P. is received, the filing of paper-book is dispensed with.

12] List the appeal for final hearing on 06/01/2021.

JUDGE

JUDGE