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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**APPLICATION FOR LEAVE TO APPEAL
BY STATE NO.277 OF 2019**

The State of Maharashtra

..APPLICANT

VERSUS

Murlidhar Mansaram Sapkale & ors.

..RESPONDENTS

Mr K. S. Patil, A.P.P. for appellant;

Mr N. S. Ghanekar, Advocate for respondent Nos.1 to 3;

Mr V. Y. Patil, Advocate for respondent Nos.4 & 5

**WITH
CRIMINAL APPEAL NO.1157 OF 2019**

Murlidhar Mansaram Sapkale & ors.

..APPELLANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr N. S. Ghanekar, Advocate for appellants;

Mr K. S. Patil, A.P.P. for respondent

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 11th January, 2021

PER COURT:

1. The learned Prosecutor submits that the grounds on which this application is based, are set out clearly in the memo of the application. They are the grounds for appeal and the said application itself can be treated as an appeal.

(2)

2. Shri. Ghanekar, learned Advocate appearing on behalf of the convicted accused, submits that it is inconsequential whether he objects to the application or not. The learned Advocate for respondent Nos.4 and 5 submits that they have no objection if leave to file the appeal is granted.

3. In view of the above, the leave for filing an appeal is granted to the State. The said application be treated as an appeal.

4. Since Criminal Appeal No.1157 of 2019 has been admitted, the appeal preferred by the State is also '**Admitted**'. The learned Counsel waive service of notice on behalf of respective respondents.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk