

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

CRIMINAL APPLICATION (APPA) NO. 158/2019
IN
CRIMINAL APPEAL NO. _____/2021

State
..VS..
Vishal S. Lonare & ors.

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

Court's or Judge's orders

Shri T.A. Mirza, APP for the appellant
Shri S. Agrawal, Adv h/f Shri S.V. Sirpurkar, Adv for respondent no. 2

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 08/01/2021

1] Heard.

2] Accepting the explanation given in the application, the delay of 199 days in filing the appeal is condoned.

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

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4] The office note shows that the respondent nos. 1 and 3 are served. None for the respondent nos. 1 and 3.

5] Learned APP has pointed out the evidence of PW 2 who happens to be the eye witness and it is submitted that it is wrongly discarded by the learned trial Judge. The contention on behalf of the respondent no. 2 – accused is that though the F.I.R. was registered against unknown persons, the

test identification parade was not conducted. This submission is rebutted by learned APP by pointing out that the accused came to be identified in Court.

6] The respondents – accused are acquitted of the charge of commission of the offences punishable under Sections 392, 394, 354-A(i), 414 and 34 of the Indian Penal Code. Prima-facie, we find that the matter requires consideration. Hence, leave to file appeal is granted.

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

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8] Taken up for hearing on admission.

9] **ADMIT.**

10] Shri S. Agrawal, Advocate h/f Shri S.V. Sirpurkar, Advocate waives notice for the respondent no. 2.

11] As the respondent nos. 1 and 3 are served, fresh notice is not required.

12] Action be taken as per Section 390 of the Code of Criminal Procedure and compliance report shall be submitted before the next date.

13] List the appeal for final hearing on 01/02/2021.

JUDGE

JUDGE