

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

CRIMINAL APPLICATION (APPA) NO. 278 OF 2020
IN
CRIMINAL APPEAL NO. _____ OF 2020

The State of Maharashtra, through P.S.O., P.S. Dabki Road, Akola
Vs.
Sk Mehabook Sk Iliyas, & 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, A.P.P. for the appellant/State.
Shri Raheel Mirza, Advocate for the respondent Nos. 1, 2, 3, 4, 5, 7, 8 and 9.
Shri N.R. Tekade, Advocate for the respondent Nos. 7, 8 and 11. (in criminal appeal No. 113/2020)
Shri Anil Mardikar, Senior Advocate assisted by Shri V.R. Deshpande for the appellant. (in criminal appeal No.113/2020).

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.
DATE : 30th AUGUST, 2021.

1. This is an application filed by the State seeking leave to file appeal challenging the impugned judgment and order of acquittal passed by the learned Additional Sessions Judge, Akola in Sessions Trial No. 203 of 2015 whereby the learned Judge of the trial Court acquitted the respondents for the offence punishable under Section 302, 307, 120-B, 201, 147, 148 read with Section 149 of the Indian Penal Code, 1860 and under Section 4 read with Section 25 of the Indian Arms Act, 1959.

2. Notices on these applications were issued and in pursuance to the said notices Shri Raheel Mirza and Shri N.R. Tekade are appearing for the respondents and they filed their

respective Vakaltnama. During the course of the submission it was pointed out of this Court by the learned A.P.P. on 13.01.2021 this Court (Coram: Z.A. Haq and Amit B. Borkar, JJ.) has already admitted the appeal filed on behalf of the Vijay S/o Shantaram Dhumone – Complainant/Victim

3. In view of the fact that the appeal filed by the victim is already admitted and the judgment of acquittal is already under challenged, in our view, this application needs to be allowed. Hence, the criminal application is allowed. Leave is granted to the State to file the appeal.

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1. Admit.

2. Since the respondents are represented before this Court Shri Raheel Mirza, learned counsel and Shri N.R. Tekade, learned counsel.

3. We are of the view that there is no necessity taking action under Section 390 of the Code of Criminal Procedure against them.

4. Shri Raheel Mirza, learned counsel waives service for the respondent Nos. 1, 2, 3, 4, 5, 7, 8 and 9 and Shri N.R. Tekade, learned counsel waives service for the respondent Nos. 7, 8 and 11.

JUDGE

JUDGE