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

**22 CRIMINAL APPLICATION NO.904 OF 2022
IN APEAL/264/2020**

**SAHEBRAO S/O. GANGADHAR MAHAPURE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent / State : Mr. R.V. Dasalkar

...
WITH
**APPLN/801/2020 IN APEAL/264/2020
WITH APEAL/264/2020**

**CORAM : V. M. DESHPANDE AND
SANDIPKUMAR C. MORE, JJ.**

Dated: April 18, 2022

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PER COURT :-

. Heard Shri. N.S. Ghanekar, the learned advocate for the applicant.

2. This is an application filed on behalf of the applicant / appellant, who is in jail, for bringing the additional evidence on record.

3. The application is strongly opposed by the learned APP by filing reply.

4. The evidence, which the appellant wish to tender before this Court at the admission stage, is the dying declaration of deceased Baburao which was recorded by the Executive Magistrate, as it could be seen from the photo copy of Exh.1 attached with this application.

5. In our view, the present application can be allowed. Accordingly, the Criminal Application is allowed. However, admissibility of the document i.e. dying declaration will be strictly considered by this Court at the time of final hearing.

6. Criminal Application No.904 of 2022 is disposed of.

(SANDIPKUMAR C. MORE, J.)

(V. M. DESHPANDE, J.)

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