

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

**44 CRIMINAL APPEAL NO.432 OF 2021
WITH ALS/26/2021**

**DR. SUDHAKAR HARIBHAU GULVE
VERSUS
BALAJI RAMCHANDRA PATIL AND OTHERS**

Mr.Uttam L. Telgaonkar, Advocate for the appellant.

Mr.S.W. Mundhe, APP for the respondent/State.

Miss Pournima Salve h/f. Mr. S.J. Salunke, Advocate for respondent Nos.2,3,5.

**CORAM : KISHORE C. SANT, J.
DATED : 14.11.2022**

PC :-

01. Criminal Apopeal No.432 of 2021 is filed by victim/original informant challenging the judgment and order dated 16.12.2020 passed by the Additional Sessions Judge and Special Judge, Latur in Special Case (Atrocity) No.2 of 2013, acquitting the accused persons.

02. Heard learned Advocate Mr. Telgaonkar for the appellant. He points out from para 37 of the impugned judgment that the main ground on which the respondents are acquitted is that the witnesses are interested witnesses as they are serving in the office of present informant, who was, at the relevant time, working as Civil Surgeon at Latur. He submits that there are serious allegations and there is also evidence to support the allegations. The Trial Court has held that the witnesses are interested witnesses, but learned Advocate for the appellant submits that the incident has taken place outside the chamber of the Civil Surgeon and naturally it is only his staff and persons working in the office were present and for this reason, no independent witness is expected. He submits that the offence is serious one and it is

necessary to admit the appeal.

03. Considering the submissions, Criminal Appeal No.432 of 2021 is admitted.

04. In so far as Application for leave to file Appeal by State No. 26 of 2021 is concerned, since in Criminal Appeal No. 432 of 2021 arising out of same proceedings, case is made out to file appeal against acquittal, hence leave is granted.

05. Appeal filed by the State be registered.

06. Admit.

07. Call for record and proceedings.

08. Learned Advocate Miss Pournima Salve h/f. Mr. S.J. Salunke, learned Advocate waives notice for respondent Nos.2,3 & 4 in both the matters.

09. Action under section 390 Cr.P.C. to follow.

[KISHORE C. SANT, J.]