

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 129 OF 2020

Vidyanand Srikant Pathak

..Applicant.

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Dinesh Tiwari a/w. Mikhail Dey i/b. Dinesh Tiwari for Applicant.

Ms. M. M. Deshmukh, APP for Respondent/State.

CORAM : SMT. SADHANA S. JADHAV &
SARANG V. KOTWAL, JJ.

DATE : 03rd MARCH 2022.

PC :

1. Learned APP waives service for Respondent No.1.
2. Heard learned counsel for the Applicant. Perused Judgment and evidence of the Medical Officer i.e. PW-5.
3. Learned counsel has submitted that there was an attempt to strangle and in the absence of urgent medical treatment the injured would have succumbed to the injuries. The said submission is substantiated by the substantive evidence of PW-5.
4. We find substance in the arguments of learned counsel for the applicant.

5. Hence, leave is granted.
6. The Application is allowed and disposed of accordingly.
7. The Appeal is admitted.
8. Issue notice to the Respondent No.2 for final hearing.
9. Call for Record and Proceedings.

(SARANG V. KOTWAL, J.)

(SMT. SADHANA S. JADHAV, J.)