



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

APPLICATION FOR LEAVE TO APPEAL BY STATE NO.35 OF 2020

The State of Maharashtra
VS
Mahadeo Rangnath Pawar and ors.

Ms.U.S.Bhosale, APP for applicant State

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : SEPTEMBER 10, 2024**

ORDER :-

This is an application for leave to appeal against the judgment and order of acquittal passed on 13.10.2016, by learned Addl. Sessions Judge, Osmanabad, in Sessions Case No.28 of 2014.

2. By order dated 21.02.2020, this court has dismissed the application as against respondent nos.2 to 4. Now, the application would be to the extent of respondent no.1 only.

3. Heard learned APP for applicant – State.

4. Learned APP submits that there is recovery of robbed gold ornament (*Mangalsutra*) from respondent no.1. She submits that this connects respondent no.1 with the crime.

5. We have gone through the papers on record. The prosecution case, in brief, is that on 13.12.2013, dacoity had taken place at the house of the informant, situated at village Yenegur, Tq. Omerga, Dist. Osmanabad, between 2.00 am. and 2.30 a.m. Gold ornaments and cash were robbed. After dacoity, the booty was shared between the dacoits. The evidence against respondent no.1 is recovery of *Mangalsutra*. The panch as regards recovery of *Mangalsutra* did not support the case of prosecution. The trial court observed that the evidence of the Investigating Officer in respect of recovery at the instance of respondent no.1, was not reliable and trustworthy.

6. We do not see that any other view is possible than the one taken by the trial court. We see no merit in the case to grant leave to appeal. Hence, the application stands rejected.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP