



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

CRIMINAL APPEAL NO.695 OF 2023

Dyandeo Shripati Shinde

... APPELLANT

VERSUS

Anil Ashok Kedare & ors.

... RESPONDENTS

.....
Mr. Tushar Shinde, Advocate holding for
Mr. C.K. Shinde, Advocate for appellant
Mr. B.B. Bhise, A.P.P. for State
.....

WITH

APPLN. FOR LEAVE TO APPEAL BY STATE NO. 100 OF 2023

The State of Maharashtra

... APPLICANT

VERSUS

Anil Ashok Kedare & ors.

... RESPONDENTS

.....
Mr. B.B. Bhise, A.P.P. for applicant – State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 29th APRIL, 2024

ORDER :

Heard. Criminal Appeal No.695/2023 is against
acquittal by the informant. Heard learned counsel for the
appellant. Perused the relevant papers, particularly the

evidence of Witness No.3.

2. On going through the evidence on record and the impugned judgment, we do not see that the learned Trial Court committed any error in acquitting respondents No.1, 4 and 5. The case of prosecution as against respondents No.1, 4 and 5 is that there was quarrel between them and the deceased prior to the date of incident. In our considered view, the same would not be sufficient to involve them in the case in hand. Thus, the appeal against acquittal as regards respondents No.1, 4 and 5 is dismissed.

3. Issue notice before admission to respondents No.2 and 3 in Criminal Appeal No.695/2023, returnable on 1st July 2024.

4. Heard learned A.P.P. in A.L.S. No.100/2023. Application for leave to appeal against respondents No.1, 4 and 5 is dismissed. Leave to file appeal is granted against respondents No.2 and 3.

5. Appeal is admitted as against respondents No.2 and 3.

6. Call for record and proceedings with Paper Book.

7. Action under Section 390 of the Code of Criminal Procedure be taken before the Trial Court.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-