

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1 OF 2024
(For Leave to Appeal)

The State of Maharashtra .. Applicant
Versus
Pratik Vijay Barve and Ors. .. Respondents

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Mr. S. V. Gavand, APP, for the Applicant – State.

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CORAM: NITIN W. SAMBRE &
MANJUSHA DESHPANDE, JJ.
DATED : 27th SEPTEMBER, 2024

P.C:-

1. Heard the learned APP for the Applicant - State.
2. The Criminal Appeal (stamp) No. 61 of 2020 against the very same judgment preferred by the State was dismissed, vide order dated 06th January 2023.
3. While dealing with the role attributed to the Respondents accused against whom order of acquittal was authored, this Court has made following observations in the said order:

“9. Akshay Barve enquired with accused No.1/Pratik Barve as to why he assaulted his boys, then he told that they should come to his area for settlement. PW-2, PW-3, deceased/Saurav Barve along with others went to Teen

Mandir where they were assaulted by the accused persons including Pratik Barve. The complainant thereafter called PW-1 which is resulted into heated argument. Accused No.7/Pappu Shinde, Accused No.5/Kiran Nagare brought Koyatas and iron rods from the house of Accused No.7/Pappu Shinde and Accused No.5/Kiran Nagare allegedly hit Aman Bhalerao/PW-2 with Koyata, Accused No.7/Pappu Shinde damaged the motorcycle of PW-1, accused Pappu Ghadge chased Kumar Barve with Koyata. While fleeing from the incident Saurav Barve stuck up in the gate who was caught by Accused No.4/Sachin Kalamkar and Accused No.3/Nilesh Borade. Thereafter Sunil Udawant/Accused No.6 hit Saurav Barve with tiles and accused Nos.1 and 2 hit him by Koyata, as a result he died during the treatment.

14. The evidence of PW-1 if appreciated, it appears that he has given certain admissions which are detrimental to the case of the prosecution viz. about non-stating of Koyatas to be brought from the house of accused/Pappu Shinde, non-aware about accused/Pappu Shinde before March, 2015, the disclosure in the supplementary statement which was recorded after 19 days, absence of role of Sachin Kalamkar and Nilesh Borade in caught holding of his brother and thereafter Pratik Barve assaulted his brother. He has stated about the presence of PW-2/Aman Bhalerao, PW-3/Vaibhav Palwe, Shubham Patil and Akshay Pagare.”

4. Since this Court has already looked into the said issue, in our opinion, the present Criminal Application for leave to file an Appeal does not warrant any consideration on merit. The Criminal Application accordingly sans merits and stands disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN W. SAMBRE, J.)