



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.702 OF 2024

State of Maharashtra

..VS..

Ankit Kishor Ghate

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Pathan, Additional Public Prosecutor for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 06/08/2024.

Heard.

2. The prosecution is seeking for leave to file an appeal raising the challenge to acquittal order passed in Sessions Trial No.96/2017 dated 10.05.2024 rendered by the Additional Sessions Judge, Achalpur whereby the sole accused was acquitted from the charge punishable under Section 302 of the Indian Penal Code.

3. Learned Additional Public Prosecutor took us through the impugned judgment to impress that despite the evidence of three consistent eye-witnesses, seizure of weapon, finding of blood stains on the weapon and clothes, the Trial Court has acquitted the accused.

4. It is submitted that the informant Prakash Jawre is the injured witness, who has deposed about the actual assault. We have also been taken through the portion of the impugned judgment to indicate that besides PW3 informant Prakash Jawre, PW-4 Prakash Kutafale and PW-5 Sanjay Punekar are the eye-witnesses, who stick up

the prosecution case during the trial.

5. Our attention has been invited to paragraph 42 of the judgment pertaining discovery at the instance of the accused. Moreover, particularly, it is pointed out that, blood group of deceased was found on the seized weapon and clothes from the accused. Learned A.P.P. would submit that within 3 to 4 hours from the incident, the FIR has been registered with a specific act of the accused.

6. In view of the above, certainly the matter requires reconsideration.

7. Hence, the application is allowed and disposed of. Leave is granted to file an appeal.

CRIMINAL APPEAL ST. NO.5929 OF 2024

Heard. **ADMIT.**

2. Action under Section 390 of the Code of Criminal Procedure shall follow.

3. The Trial Court shall release the respondent/accused Ankit Kishor Ghate on bail on his furnishing PR bond of Rs.10,000/-with one surety in the like amount.

4. Call for the Records and Proceedings.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)