



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

CRIMINAL APPEAL NO. 80 OF 2021

Farooque Khan s/o Bashir Khan
Age 56 years, Occ. Labour,
R/o. Roze Baugh,
Tq. & Dist. Aurangabad

....APPELLANT

VERSUS

1. The State Of Maharashtra
2. Shaikh Sarfaraj @ Shaffu Shaikh Sandu
Age 23 years, Occ. Labour,
R/o Beside Afroze Kirana Shop,
Roze Baugh, Tq. & Dist. Aurangabad.
3. Shaikh Adil @ Langada Shaikh Rafiq
Age 24 years, Occ. Labour
R/o Behind Azad College, Near Jama Masjid,
Roze Baugh, Tq. & Dist. Aurangabad.RESPONDENTS

.....
Mr. Shaikh Altamash Abdul L, Advocate for Appellant
Mrs. Uma Bhosale, APP for State
Mr. Balraj Pande, Advocate for respondent No. 2 and 3

.....

**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 10th JULY, 2025

ORDER:

1. By this appeal filed under Section 378 of Code of Criminal Procedure, informant/victim challenges the impugned judgment and order of acquittal passed by learned Additional Sessions Judge, Aurangabad in Sessions Case No. 76/2018

thereby acquitting accused persons for offence punishable under Section 302 read with 34 of the Indian Penal Code.

2. Heard learned advocate for the appellant, learned APP for the State and learned advocate for respondent No. 1 and

2. With their assistance, we have perused the record.

3. Admittedly, the case is based on circumstantial evidence and from the evidence brought on record it appears that the prosecution has failed to prove the complete chain of circumstances. Only two circumstances are brought on record by the prosecution. First is last seen together that also evidence is not cogent and reliable and second circumstance about previous quarrel is also not fully established by the prosecution.

4. There is absolutely no evidence on record to connect the accused with the present crime. The prosecution has failed to prove its case beyond reasonable doubt. There is no illegality or perversity in the approach of the Trial Court in appreciating the evidence and acquitting the accused. We find no merit in the appeal. The appeal is therefore dismissed.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)