

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1091 OF 2024

Ananda Balu Vanjole

.... Appellant

versus

The State of Maharashtra & Ors.

.... Respondents

.....

- Mr. Jayant Bardeskar a/w Nakul Vivek Shukla, Advocate for Appellant.
- Smt. M. H. Mhatre, APP for the State/Respondent.
- Mr. Anand S. Patil, Advocate for Respondent Nos.2 to 4.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 24th JANUARY, 2025

P.C. :

1. This is an Appeal against acquittal challenging the Judgment and Order dated 24/07/2024 passed by the Additional Sessions Judge, Kolhapur, in Sessions Case No.287/2021. The case pertains to murder of one Akash Wanjole. The Respondent Nos.2 to 4 herein had carried weapons like scythes and they were trying to assault Akash's family and friends. Out of them, the Respondent Suresh Kachare gave a blow with sharp weapon on Akash, due to which he succumbed

to his injuries. There are three eyewitnesses examined during the trial. Out of them P.W.2 was declared hostile. But P.W.1 and P.W.3 have supported the prosecution case.

2. Learned Judge has disbelieved P.W.1 on the ground that he was an interested eyewitness and therefore corroboration was necessary to his evidence. He has disbelieved the P.W.3 because according to the learned Judge, in cross-examination, he accepted that he had seen Akash after he had sustained injuries. Learned Judge missed the context that the deposition to that point was in respect of blood found on the spot. There is direct evidence of two eyewitnesses.

3. Arguable points are raised.

4. Hence the following order :

ORDER

(i) Admit.

(ii) Call record and proceedings with paperbooks.

(iii) Action be taken u/s 431 of Bharatiya Nagarik Suraksha Sanhita, 2023 and the Respondent Nos.2 to 4 be directed to execute the bonds to the satisfaction of the Trial Court for their appearance in this Appeal.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)