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

APPLICATION FOR LEAVE TO APPEAL (STATE) NO.49 OF 2025

The State of Maharashtra

...Applicant

V/s.

Shahaban Dagdu Mansuri and Ors.

...Respondents

Mr. Tanveer Khan, APP for the Applicant-State.

None for the Respondents.

CORAM : M. M. SATHAYE, J.

DATED : 8th MAY 2026

P.C.:

1. Heard learned APP for the Applicant-State. None appeared for the Respondents, despite the service of notice. According to the service report, the Respondent No. 1 is dead.

2. The State has filed this Application seeking leave to file Appeal against the impugned judgment and order dated 11.07.2024 passed in Criminal Appeal No. 18 of 2020 passed by Additional Sessions Judge, Malegaon, by which the Respondents - Accused are acquitted of the offences punishable under sections 324, 323, 504 read with 34 of the Indian Penal Code ("IPC" for short).

3. It is pointed out that by an order dated 07.03.2020, learned Additional Chief Judicial Magistrate, Malegaon, Nashik had convicted the Accused and sentenced them to suffer imprisonment for the period of 3 years and pay fine of Rs.5,000/- and in default to suffer imprisonment for three months for the offences punishable under section 324 read with 34 of

IPC.

4. I have perused the judgments of the learned Magistrate as well as the learned Sessions Judge.

5. It appears that there are four eye-witnesses. Learned Magistrate has held that evidence of these witnesses are corroborative and no contradiction can be found, which can be called fatal. PW-5 has stated that he had seen the accused going to house of informant carrying sticks and iron rods and he had rescued informant and her family members from assault. PW-6 is the doctor who has stated that he examined PW-2 for sustaining fracture neck and had operated PW-2 and the injuries were grievous in nature. PW-7- Doctor, who is a surgeon, has also stated that the nature of injuries are grievous. It appears from the record that there were enmity between the parties.

6. Considering the nature of evidence and gravity of the offence involved, in my view the case for grant for leave to Appeal is made out.

7. **Application is allowed. Leave is granted.** Office is directed to number the Appeal.

8. **Appeal is admitted.** Call for records and proceedings.

(M. M. SATHAYE, J.)