

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
--	--	---------------	----------------------------

CRIMINAL APPLICATION NO. 865 OF 2015
IN APEAL/171/2015 WITH APEAL/171/2015

SHRI DINKAR S/O UTTAM GHARTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Desale Nilesh N.
APP for Respondent: Mr. S. B. Pulkundwar.

**CORAM: T. V. NALAWADE &
INDIRA K. JAIN, JJ.**
DATED: 30th APRIL, 2015.

PER COURT:

1. The application is filed for suspension of substantive sentence and grant of bail. Both the sides are heard.
2. This Court has gone through the original record. Charge was framed against the Appellant in respect of murder of his wife Yogita. The Appellant admitted his presence on the spot. He took the defence that at the relevant time brother of Yogita had rushed at the Appellant with a knife, to save him Yogita intervened and blow hit Yogita. There were may eye witnesses to the incident and they stuck to the versions given to the

police.

3. The PM report shows that one stab wound over chest, left side, one Incise wound over left arm laterally, incised wound over left inguinal region, Abraded contusion over right shoulder, Linear abrasions over upper lip, left side, Linear abrasion over neck, left side, Linear abrasion over neck, right side, incised wound over little finger of left hand, medial aspect, 3rd rib cut through and through on left side. The death took place due to shock and haemorrhage following stab injury over chest. Thus, the evidence of P.M. examination is not consistent with the defence taken by the accused. Further, there is direct evidence. During trial of the case also no bail was granted to the applicant. In this view, this Court holds that it is not a fit case to suspend the substantive sentence. In the result, the application is rejected.

4. The record be sent to the concerned Court within two months for preparation of paper book. Matter be listed after receipt of paper book.

[INDIRA K. JAIN, J.]

[T.V.NALAWADE,J.]

Dt.30/04/2015
ans/865