

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1083 OF 2015

IN

CRIMINAL APPEAL NO.211 OF 2015

- 1) Sopan @ Sopya s/o Bhagwan Gadhe,
Age-26 years, Occu:Labour,
R/o-Newasa, Tq-Newasa,
Dist-Ahmednagar,
- 2) Dhanu @ Dhananjay s/o Govind Kale,
Age-26 years, Occu:Labour,
R/o-As Above,
- 3) Bittu @ Anil s/o Chimaji Lashkare,
Age-36 years, Occu:Labour,
R/o-As Above.

...APPLICANTS

VERSUS

The State of Maharashtra

...RESPONDENT

...

Mr.S.G. Ladda Advocate for Applicants.
Mr.S.B. Pulkundwar, A.P.P. for Respondent.

...

**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 7TH JULY, 2015

ORDER :

1. Heard learned counsel appearing for the Applicants and learned A.P.P. appearing for State.

2. Learned counsel appearing for Applicants submits that medical report shows that there are only two injuries. It is submitted that three accused are convicted. The counsel submitted that it is impossible that three accused fired the bullets at a time and only two injuries are caused to the deceased. Submission of the counsel appearing for the Applicants is that when there are only two injuries and overt-act is attributed to three accused, benefit of doubt should be given to the accused.

3. The learned A.P.P. invited our attention to the evidence of PW-3 and submitted that the trial Court after taking into consideration evidence of eye witnesses, medical evidence and

all other attending circumstances, has convicted the Applicants. During the trial, Applicants were not on bail. The learned A.P.P. submits that Application be rejected.

4. We have heard the learned counsel appearing for Applicants and learned A.P.P. appearing for State. Perused the evidence on record, particularly the evidence of PW-3. At this stage, it is not necessary to elaborate on the evidence. Suffice it to say that prima facie, findings recorded by the trial Court are sustainable. No case is made out for granting bail to the Applicants.

5. The Criminal Application stands rejected.

6. The Registry to send back the original Record and Proceedings to the Sessions Court, Newasa. Upon receiving original Record and Proceedings, the Registry of the concerned Court

to prepare the Paper-Book and send it back to the Registry of this Court, as expeditiously as possible, however within FOUR MONTHS from the date of receiving the original Record and Proceedings.

7. After receiving the Paper-Book, liberty to the counsel appearing for the Applicants, to move for early hearing of the Appeal.

[A.I.S.CHEEMA, J.]

asb/JUL15

[S.S.SHINDE, J.]