

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5504 OF 2014

THE STATE OF MAHARASHTRA

VERSUS

KISHOR GOVINDRAO SURYAWANSHI

Advocate for Applicant : Mr. V. D. Godbharale

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CORAM : T. V. NALAWADE &**INDIRA K. JAIN, JJ.****DATE : 6th May, 2015****PER COURT :**

1. The application is filed for grant of leave to file appeal against judgment and order in Sessions Case No.15/2009 which was pending in the Court of Additional Sessions Judge, Udgir.
2. Learned Additional Sessions Judge has convicted the respondents of the offences punishable under sections 302 and 307 IPC. There was allegation that he committed murder of his wife and two minor issues by setting on fire to them. Initially fire was set to wife and two children who were in the vicinity came to the wife and they also caught fire. Another issue aged about 7 years is eye witness. This Court gone through the original record which consists record of dying declarations given by wife. It appears that one dying declaration was not duly proved but the said dying declaration is considered and it is observed that there is inconsistency in the two dying declarations. In the said dying declaration also similar allegations were made by the deceased wife of the present applicant. Material is sufficient to sufficient to make out a arguable case.
3. Criminal application is allowed. Leave granted. Appeal is admitted. Comply with the provisions of section 390 of the Code of Criminal Procedure.

(INDIRA K. JAIN, J.)**(T. V. NALAWADE, J.)**

JPC