

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

**CRIMINAL APPLICATION NO.5589 OF 2015
WITH
CRIMINAL APPEAL NO.772 OF 2015**

**Ravindra Ambar Naik and others Vs. The State of
Maharashtra**

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

Mr.Chaudhari S.I., advocate for the applicants.
Mr.Govind Wattamwar, A.P.P for the State.

**CORAM : S.V.GANGAPURWALA AND
V.K.JADHAV, JJ.
Date : 16.12.2015.**

PER COURT :

1. Heard.
2. The present applicants are prosecuted and convicted for the offence punishable U/ss. 302, 324 read with Section 34 of the I.P.C and sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.1,000/- (Rupees one thousand), in default to undergo simple imprisonment for two (2) months.
3. Mr.Chaudhari, learned counsel submits that the case of the prosecution is totally based on the evidence of P.W.7 i.e. the eye witness. According to the learned counsel, there are large scale

discrepancies in the deposition. The post mortem report also does not give the cause of death. According to the learned counsel, the evidence of P.W.7 is not reliable in view of the discrepancies in the evidence. She does not know Marathi language. This fact is admitted by the said witness.

4. Learned A.P.P opposes the application.

5. P.W.7 is the wife of the deceased, who is also injured in the incident. She is an eye witness. Her evidence has been found reliable by the Sessions Court, so also the post-mortem report. It has been found by the Sessions Court that the medical evidence corroborates the ocular evidence. The said evidence will have to be reappreciated by this Court at the time of final hearing. However, this application at this stage can not be considered. The applicants were also in jail during the trial.

6. Considering the above, the application is rejected. However, the hearing of the appeal is expedited.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt . 16 . 12 . 2015 .
asp/office/Criapp5589.15

