

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 7118 OF 2014
IN APEAL/183/2015 WITH APEAL/183/2015**

ARJUN S/O GAJANAN DATIR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Garud N.C.
APP for Respondent/State : Mr. V.D. Godbharale

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.**Dated: July 02, 2015**

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PER COURT :-

Heard the learned counsel appearing for the applicant. He invited our attention to the notes of evidence and, in particular, the evidence of PW-3 – Sunil Arjun Datir and submits that, as a matter of fact, PW-3 left the house in the evening and only returned to the house on 19.08.2012 at 3 a.m. He further invited our attention to the evidence of PW-6 – Navnath Sukhadev Lawre and in particular, his version in his cross examination and submits that, PW-6 is real brother of the deceased, who has stated that, the relation between the accused and her sister i.e. Latabai were good. Therefore, according the learned counsel appearing for the applicant, if the evidence of prosecution witnesses considered in its entirety, the benefit of doubt should have been given to the accused by the trial Court.

2. We have given careful consideration to the

submissions advanced by the learned counsel appearing for the applicant and the learned Additional Public Prosecutor appearing for the Respondent/State. With their able assistance, perused the notes of evidence and in particular evidence of PW-3 namely Sunil Arjun Datir, who is son of the deceased and the accused. Upon careful perusal of his evidence, it is abundantly clear that, the death of deceased occurred in the house and also there was head injury. According to PW-3 in the said night, the appellant was missing. At this stage, we do not wish to elaborate on the evidence. Suffice it to say that, inference drawn by the trial Court on the basis of the evidence brought on record and findings recorded are sustainable. No case is made out. Application is rejected.

3. The Registry of this Court shall send original Record and Proceedings to the Registry of Additional Sessions Judge, Sangamner. Upon receiving the original record and proceedings by the Registry of Additional Sessions Judge, Sangamner, the Registry of concerned Court shall prepare the paper book and send it back along with original record and proceedings, as expeditiously as possible, however in any case within three months from receipt of the original record and proceedings.

(A. I. S. CHEEMA, J.)

(S.S. SHINDE, J.)

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sga/-