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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 1401 OF 2014
IN
CRIMINAL APPEAL NO. 302 OF 2014**

Somnath Virbhadrappa Vijapure. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mr. V.V. Purwant for the Applicant.
Ms. U.V. Kejriwal, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

FEBRUARY 03, 2015.

P.C. :-

This Application has been filed by the Applicant who stands convicted for offence punishable under Section 302 of the Indian Penal Code on the allegations that the Applicant had committed murder of one Somshekhar on 30.1.2013 in the morning at about 9.15 a.m.

2. The prosecution relied on the testimony of PW-2 Raghuvir, who was examined as an eye witness. The prosecution also relied on the discovery of the weapons i.e. the axe and the finding of the blood matching the blood group of the deceased on the clothes and the axe wielded by the accused.

3. We have heard Mr. Purwant, learned Counsel for the Applicant with whose assistance we have perused the findings recorded by the Trial Court. In the light of the overwhelming evidence against the Applicant, we are not inclined to suspend the substantive sentence of imprisonment and release the Applicant on bail. The submissions advanced before us by the learned Counsel for the Applicant pertain to re-appreciation of the evidence which cannot be done at this stage. Additionally, we find that the Applicant was not on bail during trial.

4. We, accordingly, dismiss this Application. We, however, expedite the hearing of the Appeal.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)