

JPP

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

**CRIMINAL APPLICATION NO. 128 OF 2015
IN
CRIMINAL APPEAL NO. 1046 OF 2014**

Rajaram Shankar Ahire. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mr. M.S. Mohite a/w. Mr. Omkar Gopal Nagwekar for the
Applicant.

Smt. V.R. Bhosale, APP for the State.

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

MARCH 31, 2015.

P.C. :-

The Applicant by this Application seeks suspension of the substantive sentence of his imprisonment and his enlargement on bail pending the decision of the Appeal. The Applicant is alleged to have committed murder of deceased Prakash by stabbing him with a knife. The prosecution has principally relied on the testimony of PW-2 Rajendra, son of deceased Prakash, who in terms implicates the present Applicant with the act of stabbing the deceased.

2. We have heard Mr. Mohite, learned Counsel for the Applicant. The learned Counsel for the Applicant has urged before us that the evidence of PW-2 Rajendra is wholly unnatural as Rajendra made no efforts at interfering in the quarrel so also assault on the deceased. It is further urged before us that since PW-2 Rajendra is the sole witness, the testimony of Rajendra ought not to have been accepted that the said testimony being corroborated by other evidence. The learned APP has brought to our notice that the knife allegedly was seized at the behest of the Appellant and the clothes of the Appellant were found to be blood stained with the blood group of deceased Prakash.

3. The submissions which have been urged before us by the learned Counsel for the Applicant pertain to re-appreciation of evidence which cannot be done at this stage. Suffice it to state that in the light of the testimony of PW-2 Rajendra, we find that there is overwhelming evidence and therefore, this is not a fit case for suspending the substantive sentence of imprisonment and releasing the Applicant on bail.

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

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