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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 248 OF 2015
IN
CRIMINAL APPEAL NO. 165 OF 2015

Chandradeo @ Chandu Parmeshwar Rai .. Applicant

Vs.

The State of Maharashtra .. Respondent

Ms. Sarojini Upadhyay, Appointed Advocate for applicant.
Mrs. Sangeeta D. Shinde, APP for State.

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

MARCH 30, 2015.

P.C.

1. By this application, the applicant/appellant seeks suspension of the substantive sentence of imprisonment and his enlargement on bail, pending the decision of the appeal.

2. The case against the applicant for having committed murder of his wife on 20/10/2007 is based on circumstantial evidence. The

prosecution had established that deceased, wife of the applicant, had died a homicidal death and the case of death was determined as strangulation with assault. The applicant and the deceased were the only persons who had spent the night in the house. The applicant had offered a false explanation that his wife had died due to loose motion and pneumonia. The medical evidence proves the said explanation to be false. Moreover, the applicant had informed his father-in-law that deceased had died due to electric shock while charging her mobile.

3. We thus find that there is a strong prima facie case against the applicant and in the light of the overwhelming evidence, we are not inclined to suspend the substantive sentence of imprisonment. However, since the applicant has undergone about more than seven years of imprisonment, we expedite the hearing of the appeal and direct that the appeal be added to the final hearing board after the paper book is received.

4. Application is dismissed with the aforesaid direction.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)