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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.286 OF 2015**  
**IN**  
**CRIMINAL APPEAL NO.344 OF 2015**

Sameer Khan Alias Vasim ... Applicant

V/s.

The State of Maharashtra .... Respondent

Mr. Afroz A. Siddiqui, for Applicant.

Mr.H. J. Dedhia, A.P.P., for the Respondent-State.

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

**DATE : 17<sup>TH</sup> APRIL, 2015.**

**P.C. : [Per Dr. Shalini Phansalkar-Joshi, J.]**

1. This application is filed by the applicant seeking suspension of substantive sentence of imprisonment and for his release on bail during the pendency of this appeal.

2. The appellant stands convicted for the offence punishable under Section 302 of Indian Penal Code and sentenced to suffer imprisonment for life and fine of Rs.5,000/- in default to suffer rigorous imprisonment for one year, in respect of death of Devi Deepak Sarkar .

3. As per prosecution case, at the time of death, deceased Devi Deepak Sarkar was residing in room No.2, second floor of the building owned by Janardan Gharat. She used to work as bar girl in Hotel Natraj. The appellant used to visit her. There was quarrel in between the deceased Devi Deepak Sarkar and the appellant on 3<sup>rd</sup> October, 2012 and again on the date of incident on 4<sup>th</sup> October at 4.30 p.m. On hearing the quarrel persons residing in the building including P.W.1 Janardan and P.W.3 Harish gathered around and they saw the appellant running away from the window of the room and deceased lying on the bed with injuries on her person. Immediately thereafter the appellant was arrested.

4. In view of this overwhelming evidence on record, the submissions advanced by the learned counsel for the appellant which relate to reappreciation of the evidence of these two material witnesses cannot be considered at this stage. This application, therefore, holds no merit and deserves to be dismissed. Consequently the application stands dismissed.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**

**[P.V.HARDAS, J.]**