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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 917 OF 2014
IN
CRIMINAL APPEAL NO. 585 OF 2014

Vinayak @ Vinod Laxman Pawar

.. Applicant

Vs.

State of Maharashtra

.. Respondent

Mr. Niranjan A. Mogre for applicant.

Mrs. S. D. Shinde, APP for State.

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

FEBRUARY 25, 2015.

P.C.

1. Since we have restored this application to file, this application is heard at the request of learned counsel for the applicant.

2. The applicant stands convicted for an offence punishable under Section 302 of the IPC on the allegations that the applicant had committed murder of his wife Vidya on 3/11/2010 by pouring kerosene on her and setting her ablaze. The principal evidence on which the trial court had relied upon was the dying declaration at Exh. 52 recorded by PW 6 -

Surendra Bhoje, an Executive Magistrate. Apart from the dying declaration at Exh. 52, prosecution has also relied on the oral dying declaration made to the Medical Officer who had been called to examine injured Vidya immediately on sustaining the burns. The trial court upon appreciation of the evidence, accordingly convicted the applicant.

3. We have heard Mr. Mogre learned counsel for the applicant. The submissions which have been advanced before us regarding the reliability of the dying declaration at Exh. 52 as well as the erroneous rejection of the evidence of the defence witness, are grounds pertaining to re-appreciation of evidence, which cannot be done at this stage. In the light of the strong prima face case against the applicant, we are not inclined to suspend the substantive sentence of imprisonment and enlarge the applicant on bail, though the applicant was on bail during trial.

4. We are, however, informed that the paper book has been received and though this is an appeal of the year 2014, we direct that the appeal be added to the final hearing board at its appropriate place on the board from 1/4/2015.

5. Application is accordingly dismissed with the aforesaid directions.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)