

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 304 OF 2014

Eknath Raosaheb Pawar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Satyavrat Joshi, Advocate for the applicant
Mr. A.R. Patil, Advocate for the respondent-State.

CORAM:-M.L. TAHALIYANI, J.
DATED : -10/03/2015

P.C.

Admit. Respondent waives service. By consent of
the parties taken up forthwith for final hearing.

2 Heard Mr. Satyavrat Joshi, the learned counsel for
the applicant and Mr. Patil, learned APP for the respondent-
State.

3 The applicant is facing trial for the offences
punishable u/ss. 143,147,148,302 r/w 149, 324 r/w 149, 346
r/w 149, 347 r/w 149 of IPC. One Chandrakant Dhawade was

killed in the alleged incident for which Section 302 r/w 149 of IPC is made applicable to the applicant as well as other accused. The said Chandrakant Dhawade was brutally assaulted by means of deadly weapons and in the result he sustained multiple fractures and head injury. Later on he was set on fire by pouring petrol on him by one of the members of unlawful assemble.

4 The learned counsel Mr. Joshi has submitted that the name of the applicant did not appear in the FIR and that he has been named by four witnesses at a later stage during the course of recording of further statements. It is, therefore, submitted that the evidence of those witnesses could not be believed. This obviously will be a matter of appreciation of evidence. Even if the statement is recorded after few months, the question as to whether particular witnesses shall be believed or not or whether the statement was manipulated is always a matter of examination by the trial Court and not by

the revisional Court.

5 I do not find any substance in the revision
application. The revision application stands dismissed.

6 Interim order, if any, stands vacated.

(JUDGE)

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