

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 171 of 2015
IN
Criminal Appeal No. 72 of 2015
[Ankush Pandurang Yerane Vs. State of Mah.]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.V. Acharya, Adv., for the Applicant.
Ms. Rashi Deshpande, APP for respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 07th July, 2015.

Heard learned counsel for the rival parties.
Perused the record, so also the relevant evidence.
Perused the findings recorded by the Trial Judge.

The death occurred eleven days after the incident, in which the deceased had suffered thirty per cent burn injuries due to kerosene poured on her person by the appellant and then setting her ablaze. Trial Judge convicted the appellant for offence under Section 304

Part-I, Indian Penal Code and has utilized the evidence of one Dying Declaration by way of corroboration. The Dying Declaration, which has been believed by him, has the impression of a toe, allegedly of the deceased, and after one-and-half-hour, on the declaration recorded by Police Constable [PW 6], thumb impression is taken.

The appellant was on bail throughout and he has a daughter, aged about four years. I think, a prima facie case is made out for suspending the sentence. Hence the following order:-

ORDER

- [a]** Criminal Application No. 171 of 2015 is allowed.
- [b]** Bail as in Lower Court.
- [c]** Application is disposed of.

Judge

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