

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 359 OF 2015
IN CRIMINAL APPEAL NO. 123 OF 2014

(Sandeep s/o Rangrao Kumre vs. The State of Maharashtra thr. PSO, Seloo, PS Seloo, Wardha)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JULY 10, 2015.**

Heard Shri Samundra Singh, learned counsel (appointed) for the applicant and Shri Mirza, learned APP for the non-applicant.

The conviction is under Section 302 of Indian Penal Code. Post mortem report is not placed on record but the judgment of the trial Court mentions that there was incised wound on right temporal area extending up to right middle of half of mandible and all vital structures were cut. The fracture of temporal and mandible bone was also seen. An incised wound was also seen on right mamory region.

The effort of Shri Samundra Singh, learned counsel is to demonstrate that the complainant – PW-1, in his report has named two other persons along with the applicant but while deposing in the Court, he has omitted those two names and weapons with them and the police authorities had not charge sheeted them. According to him, in this situation, the conviction is unwarranted. Wife of PW-1, who is alleged to have

seen the incident has also deposed that she saw Sandeep moving with an axe in his hand but then this is an omission in her police statement. He adds that the applicant was on bail throughout and never misused his liberty.

The learned APP submits that report does not show any weapon which could have caused incised wound in the hands of other persons named in the report by PW-1. Hence, after investigation, charge sheet was filed only against the present applicant.

We find that amongst persons mentioned in the report, the present applicant is alleged to carry an axe and PW-1 has also deposed that he saw present applicant Sandeep inflicting its blow on the deceased. The incised wounds are already mentioned by us (supra). In this situation, other niceties cannot be gone into at this stage as it pertain to detailed appreciation of material on record.

In the circumstances, though we reject the application, we expedite hearing. List the matter for final hearing after two weeks.

JUDGE

JUDGE

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