

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

CRIMINAL APPLICATION (BA) NO. 725 OF 2015

(Rahul Shratughna Chatte Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri A. C. Jaltare, Advocate for the applicant.
Shri A.D. Sonak, A.P.P. for the respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : 13th OCTOBER, 2015

Learned Counsel for the applicant submits that though the prosecution is submitting through the charge-sheet that it is homicidal death, in his submission, the case is not of homicidal death, but it is suicidal death.

This submission can not be appreciated in view of the findings of the Autopsy Surgeon. Autopsy Surgeon has given his opinion for that, which reads as under.:

“Probable cause of death is Asphyxia due to compression over neck...”

The learned Counsel submits that there are no other conclusions over the dead body.

The said submission, in my view, is contrary to the findings of Autopsy Surgeon,

which he has mentioned in Column No.17 of the postmortem report. It shows that there was contusion present over the neck between chin and thyroid cartilage and multiple parallel contusions over the sides of neck. In that view of the matter, the submission of the learned Counsel that it is a case of suicidal and not homicidal is required to be rejected while considering the application for bail.

Further, the dead body of deceased Jyoti, who is the wife of the present application, was found in her matrimonial place, which is shared by the present applicant.

In these circumstances, in my view, no case is made out.

Application dismissed.

JUDGE