

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6278 OF 2015

The State of Maharashtra .. Applicant

Vs.

Balasaheb Narayan Shinde and anr. .. Respondents

Mr. S.J. Salgare, A.P.P. for the applicant / State

Mr. N. V. Gaware, Advocate for the respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 13/06/2016

ORAL ORDER :

Heard Shri Salgare, learned A.P.P. at length.
He had taken me through the original record and tried to prevail upon the Court to grant leave by accepting dying declarations at Exhibit 62, Exhibit 72 and Exhibit 88.

2. The prosecution case is based on three dying declarations at Exhibit 62, Exhibit 72 and Exhibit 88.

3. Exhibit 62 and Exhibit 72 were discarded on the ground that below the thumb impression of the victim, there was no endorsement certifying the thumb impression.

4. Exhibit 62 speaks of the victim consuming liquor since morning whereas in Exhibit 72, said issue was conspicuously absent.

5. So far as Exhibit 88, the third dying declaration is concerned, there is no endorsement of the Doctor that the victim giving dying declaration was in a fit state of mind. As such, the Court proceeded to record acquittal.

6. In my opinion, having perused the dying declarations at Exhibit 62 and Exhibit 72 from the original record, no infirmity is noticed. Leave as such is refused. Application stands rejected.

[N.W. SAMBRE]
JUDGE

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