IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 36 OF 2016

(FOR LEAVE TO APPEAL)

The State of Maharashtra ..Applicant
Versus
Kisan alias Krishnath Gyanba Shirsat ..Respondent

Ms. S. D. Shinde, APP for the State.

CORAM : RANJIT MORE,
DR. SHALINI PHANSALKAR-JOSHI, J J.

DATE : 17th NOVEMBER, 2016.

P. C. :

Heard learned APP for the State.

2. The criminal application is filed for leave to appeal against the impugned judgment and order dated 29th October, 2015 passed by learned Sessions Judge, Solapur, in Sessions Case No.313 of 2014. By the said order, the respondent came to be acquitted of the offence punishable under Section 302 of the Indian Penal Code, 1860. The respondent was charged for offence punishable under Section 302 of the Indian Penal Code, 1860, for committing murder of his mother. The prosecution examined as many as 10 witnesses. However, entire reliance was placed by the prosecution on the evidence of PW-2, the only

eye witness. PW-2 is a child of 2 ½ year old. Her statement was recorded 70 days after the date of incident. The prosecution failed to give any explanation for the delay. In these circumstances, learned Sessions Judge did not believe the evidence of PW-2 and consequently acquitted the respondent.

3. Having considered the submissions and having gone through the impugned judgment and order, we find the impugned judgment and order is supported by cogent reasons. The view taken by learned Sessions Judge is a plausible view and, therefore, we are not inclined to entertain the application. The criminal application is, accordingly, dismissed.

(DR. SHALINI PHANSALKAR-JOSHI) **[RANJIT MORE, J.]**