

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

CRIMINAL APPLICATION (APPA) NO.45 OF 2016

IN

CRIMINAL APPEAL NO.102 OF 2015

Raghunath Jiroji Dhurve

..vs..

The State of Mah., thr Police Station Officer, Warud, Taluka Warud, Distt. Amravati

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

Court's or Judge's Order

Shri R.D. Dhande, counsel for the applicant/appellant
(appointed).

Shri V.A. Thakre, Addl.P.P. for the State.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : FEBRUARY 10, 2016.

Heard.

Eyewitness has seen usual quarrel and in
postmortem nine external injuries are found. The blood
stains are also recorded in CA Report on clothes of the
appellant accused.

Effort of learned counsel for the
applicant/appellant Shri R.D. Dhande at this stage while
securing an order of suspension of sentence is to
demonstrate that the deceased wife came in inebriated
condition and quarrel ensued. In enraged condition,
the applicant may have given some blows but then
prosecution case is that she was brought in and slept.

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In morning, when she did not get up, the applicant went to Sarpanch and brought him to residence.

Thus, without prejudice to other contentions learned counsel Shri R.D. Dhande submits that these circumstances do not show any intention or motive to kill. He also submits that quarrel was regular feature and hence, the punishment is unwarranted. According learned Addl.P.P., even if these arguments are accepted, at this stage it cannot be said that the applicant could not have been sentenced.

Taking overall view of the mater, we do not find a case made out warranting enlargement of the applicant.

Hearing of appeal is expedited. Paper book is already ready. Registry to list the matter for final hearing in the week commencing from 18.4.2016.

JUDGE

JUDGE

!! BRW !!

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