

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

CRIMINAL APPLICATION (APPA) NO. 601 OF 2015

(Shri Bharat s/o Janrao Duryodhan vs. State of Maharashtra thr. PSO Chandur (Railway), Dist. Amravati)

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 &
V.M. DESHPANDE, JJ.
FEBRUARY 24, 2016.**

Heard Shri D.A. Sonwane, learned counsel (appointed) for the applicant and Shri V.P. Maldhure, learned APP for the respondent – State.

By the present application, the applicant is seeking suspension of substantive jail sentence imposed upon him by the learned Additional Sessions Judge, Amravati, on 17.06.2014 in Sessions Trial No. 141 of 2013, by which the learned Judge of the Court below sentenced the applicant to suffer imprisonment for life and to pay fine of Rs.10,000/- after holding him guilty of committing the offence punishable under Section 302 of Indian Penal Code.

The learned counsel for the applicant submitted that the incident in question has occurred in a scuffle between the deceased and the present applicant. According to him, the deceased Sagar and the present applicant was quarreling on account of a cricket match. In that scuffle, the present applicant dealt with a knife blow.

From the perusal of the record and proceedings, it is clear that the incident is witnessed by three eye

witnesses. Further the CA report (Exh. 28) shows that the blood group of the deceased was 'A' and CA Report (Exh. 27) shows that the human blood of group 'A' was noticed on the clothes of the present applicant.

The submission of the learned counsel for the applicant that the offence can be scaled down from the offence punishable under Section 302 to lesser offence cannot be considered at this stage specially in the light of eye witnesses account.

In that view of the matter, the present application does not require any favourable consideration. Hence, the same is rejected.

JUDGE

JUDGE

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