

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 696 of 2015
IN
Criminal Appeal No. 379 of 2015
[Vinod Vithal Navkhare Vs. State of Mah.]

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

Court's or Judge's orders

Mr. S.A. Chaudhary, Adv., for the Applicant.
Mr. M.J. Khan, APP for respondent.

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**CORAM : B. R. GAVAI AND
V.M. DESHPANDE, JJ.**

DATE : 20th June, 2016

The Applicant, who has been convicted of the offence punishable under Section 302, Indian Penal Code, has approached this Court for suspension of sentence and grant of bail.

The learned counsel for the Applicant submits that the only evidence against the applicant is that of a minor child witness, Kush [PW 5]. It is submitted that the testimony of the said minor child witness is shattered in the cross-examination and as such the conviction would not be sustainable.

Heard. We have perused the material on record. Perusal of evidence of Subhash Mankar [PW 1] would

reveal that immediately after the incident, he had come to his house and after noticing the injuries on the person of his son, Kush, he and others asked him as to how the injuries were caused. His evidence also shows that Kush [PW 5] specifically informed him that the injuries on his person as well as on the person of grand-mother of Kush [PW 5] were caused by the present applicant who was called "Mama" by Kush [PW 5].

The testimony of Subhash [PW 1] is duly corroborated by Exh.73, the Medical Certificate of Kush [PW 5], it shows that the injuries were sustained by him. As such, the said evidence has also been corroborated in the testimony of PW 1 – Subhash.

We find that the evidence of Subhash [PW 1] would also reveal that it is the present applicant who was compelling the PW 1 not to lodge an FIR.

In that view of the matter, it cannot be said that the present case is a case of no evidence.

Application for suspension of sentence and grant of bail is, therefore, rejected.

Judge

Judge