

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

CRIMINAL APPLICATION (BA) NO.930 OF 2016

(Vinod s/o Namdeorao Ramteke ..vs.. State of Maharashtra, through PSO, PS Kotwali, Nagpur)

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

Court's or Judge's orders

Shri N.G. Jetha, Advocate for applicant,
Shri A.M. Deshpande, Addl.P.P. for non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 09-12-2016

Heard learned Counsel for both the sides.

This application is filed for bail by accused involved in Crime No.1/2016 registered by Kotwali Police Station, Nagpur for the offence punishable under Section 302 of Indian Penal Code.

Learned Counsel for applicant has submitted that charge-sheet is filed and case of applicant at the most would fall under Section 304 Part-I or II of Indian Penal Code.

Learned Additional Public Prosecutor has submitted that there are two eyewitnesses from whose statements involvement of applicant is clearly established.

Perused the report lodged by Nitesh, uncle of deceased stating that on 31-12-2015 at 11.30 p.m., he was informed by one Sumit resident of his locality that deceased Dhiraj @ Khatya was assaulted by sharp aged weapon and was lying near the compound wall of Lokanchi Shala and from there he was shifted by police to Medical College. Upon report as aforesaid offence was registered against unknown person.

During the course of investigation, on the following day, statements of Akshay Kshirsagar and Pinkesh Gajendra were recorded, who have categorically pointed out involvement of present applicant in the commission of crime as assailant of deceased as they have stated that initially there was quarrel between applicant and deceased on the count of liquor and in the course of same transaction applicant committed assault by knife on the chest of deceased by causing two blows due to which he fell on the ground and applicant ran away from the spot in the Car.

Similar is the statement of Pinkesh Gajendra. There is no reason for these two eyewitnesses to be disbelieved whose statements are recorded immediately on the following day. Involvement of applicant is further substantiated as during the course of investigation, one knife came to be seized at his instance from the Car having blood stains. In view of direct evidence against

applicant, application is liable to be rejected as per order below.

Order

- (i) Application is rejected.
- (ii) Learned trial Judge who is ceased with present case, however, is requested to decide the Sessions Case preferably within the period of six months from the date of framing of charge.

JUDGE