

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.208 OF 2017
IN
CRIMINAL APPEAL NO.916 OF 2015

Mr. Rakesh Zagru PaswanApplicant
V/s.
The State of MaharashtraRespondent

Mr. Ankush N. Dhokale, Advocate for Applicant.
Mrs. G.P.Mulekar, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : July 26, 2017.

P.C. :

This is an application for bail during the pendency of appeal. The applicant-accused has been convicted and sentenced to suffer life imprisonment in Sessions Case No.205 of 2012 by judgment and order dated 15.4.2013 for causing death of his wife.

2 Heard the learned counsel for the applicant and the learned APP for the State.

3 The applicant was living on the construction site with his wife and children. P.W.2-Shailendra who was also working on the same site and P.W.3-Mishrilal, Site Supervisor were eye witnesses to the incident. They stated in their evidence that on 16.11.2011 they had seen the applicant-accused was beating his wife, and thus brought the applicant-accused from his house. Thereafter, victim went to the hut of another lady, where again the applicant-accused started beating her. These witnesses deposed that for sometime the applicant-accused went to the market and came back to the house and again started beating his wife. Evidence shows that co-worker Kalicharan removed the wife of the applicant-accused to the hospital. It appears that the applicant-accused went to the hospital by another auto-rickshaw. The evidence of P.W.8-Dr.Kondar shows that deceased had sustained 18 external injuries and four injuries were found during the internal examination. One of the injuries was “contusion on right 8th and 9th intercostal space, seen laterally red colour size 6 cm x 5 cm”. He deposed, liver-Lacerated on right lobe laterally due to external injury no.11, i.e., “Abrasion red coloured on right lateral aspect of chest 8th and 9th rib region size 5 cm x 3 cm”. P.W.8-Dr.Kondar opined that the injuries

found on the person of the deceased were possible by wooden plunk.

4 The learned counsel for the applicant submitted that none of the external injuries refers to causing of rupture of liver. More so, he would contend that 3 injuries were noted in inquest, one on head, second behind the ear and third on back and, therefore, even assuming that the applicant-accused had beaten his wife, the prosecution has not proved that alleged injuries caused by the applicant-accused resulted into the rupture of liver of the deceased which was cause of her death.

5 We have perused the evidence of P.W.8-Dr. Kondar and post-mortem report. Injuries stated here-in-above, i.e., contusion on right 8th and 9th intercostal space (internal injury) and corresponding injury no.11, as stated here-in-above was sufficient to hold it a cause for rupture of liver. Thus, upon reading the evidence of Dr. Kondar, the contention of the applicant-accused requires no consideration and rejected accordingly. Evidence of P.W.2-Shailendra and P.W.3-Mishrilal is consistent, cogent and reliable and there is no

reason to disbelieve their evidence. Taking into consideration the evidence on record, we are of the opinion that the application for enlargement deserves no consideration and accordingly, it is rejected.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)