

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

CRI. APPLICATION (BA) NO. 443 OF 2017

(DATTA KANBA VAYKULE...VS.. STATE OF MAH. THR. P.S.O. BITTARGAON, DISTT. YAVATMAL)

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

Court's or Judge's orders

Shri V.N.Patre, Advocate for Applicant.
Shri S.P.Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 30, 2017.

Heard.

The applicant is arrested in connection with crime registered against him and three others initially for Sections 307, 452 and 34 of the Indian Penal Code and subsequently converted to Section 302 of the Indian Penal Code. The accusations against the accused are that because of some dispute the accused entered the house of victim-Kavita, the applicant took plastic can containing kerosene oil from the house of the victim-Kavita, the co-accused Anita, Rani and Bhagwan caught hold of Kavita and the present applicant poured kerosene on her person and set her ablaze.

According to the applicant, there had been dispute between victim-Kavita and the applicant's family and therefore, while giving statement (dying declaration) the victim has named the applicant and his family members.

The learned advocate for the applicant has submitted that the investigation is complete, charge-sheet is filed and co-accused are released on bail as per the order passed by this Court and custody of the applicant is not required for further investigation.

The learned A.P.P. has submitted that apart from the fact that the involvement of the applicant in commission of crime is reflected from the dying declaration of the victim- Kavita, the dying declaration is corroborated on the point of cause of dispute by the statement of Sau. Sangeeta Gajanan Yenkar.

Considering the nature of the incident, the nature of accusations against the applicant and the facts of the case, I am not inclined to grant prayer made in the application. The application is **dismissed**.

The applicant is in jail since 28th October, 2015. The Sessions Court shall endeavour to conclude and dispose the trial keeping in view the directions given by the Hon'ble Supreme Court in the judgment given in the case of *Hussain vs. Union of India*, reported in **AIR 2017 SC 1362**.

JUDGE

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