

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.52 OF 2017
(FOR LEAVE TO FILE APPEAL)**

The State of Maharashtra	 Applicant
versus	
Suraj Nandlal Harijan	... Respondent

.....

- Mrs.S.S. Kaushik, Advocate for the Applicant.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 21st JUNE, 2018.**

P.C. :

1. This is an Appeal seeking leave to Appeal against the Judgment and Order passed by the learned Additional Sessions Judge, dated 21/12/2016 thereby acquitting the accused for the offence punishable under Section 302 and 342 of IPC.
2. Smt. S.S. Kaushik, the learned APP submits that the learned Trial Judge has grossly erred in acquitting the accused when the prosecution has produced voluminous evidence in support of its case.

3. It is the prosecution case that the Respondent, who is the brother of the husband of the deceased Punam at the relevant time, was residing in the house of the deceased. It is the prosecution case that the Respondent was in drunken condition on 01/12/2014 and there was a quarrel between him and the deceased Punam. He poured kerosene on her and set her on fire.
4. Insofar as Dying Declaration is concerned, the learned Trial Judge has given findings that it is suspicious in nature and also not supported by the medical evidence. Insofar as eyewitnesses are concerned, the learned Trial Judge found that in view of the total contradictory evidence given by the eyewitnesses, it would not be safe to order conviction on the basis of such evidence. No perversity is noticed to warrant the interference. Accordingly leave to Appeal is rejected.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)