

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO.1575 OF 2017
IN
APPEAL NO. 844 OF 2017

Vipul Shantilal Mehta	..	Applicant
Versus		
State of Maharashtra	..	Respondent

Mr. Nitin Pradhan i/b. A.K.Millwala for applicant
Mrs. M.M.Deshmukh, APP for State.

CORAM : B.R. GAVAI &
B.P.COLABAWALLA, JJ

DATE : 20th February 2018

P.C.:

1. This is an application for grant of suspension of sentence and grant of bail. Mr. Pradhan, learned Counsel appearing for applicant submits that the present case is based only on circumstantial evidence and the prosecution has failed to prove incriminating circumstances beyond reasonable doubt. He submits that in any case, the prosecution has failed to establish chain of evidence.

2] As held by the Apex Court in the case of Niranjana Singh Vs. Prabhakar Rajaram Kharote, reported in **1980 (2) SCC 559** detailed elaboration of evidence will have to be avoided at this stage. However, prima facie we find that evidence of P.W.-13 Khajaben Nuruddin Shaikh who was maid servant clinchingly proves the guilt

against the present applicant. Apart from that, though this witness has been thoroughly cross examined, the defence has not been in a position to shatter her testimony. Her evidence is corroborated by P.W.-1 mother of deceased. Not only this but an independent witness, P.W.-2 Sumit also corroborates with the version given by P.W.-13. The evidence of medical expert P.W.-9 Dr. Swaroop also supports the evidence of other witnesses.

3] In this view of the matter, we do not find that a case is made out for suspension of sentence. The application is rejected.

(B.P.COLABAWALLA, J)

(B.R.GAVAI, J.)