

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 1668 OF 2017
IN
CRIMINAL APPEAL No. 59 OF 2018**

Akash Gangaram Shinge ... Applicant
VS.
The State of Maharashtra ... Respondent

Ms. Namrata S. Bobade, Advocate for the applicant.
Mr. J.P. Yagnik, APP for the respondent/State.

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ..**

DATED: AUGUST 28, 2018

P.C. :

1. Heard the learned counsel appearing for the applicant and the learned APP appearing for the State.

2. The learned counsel appearing for the applicant submitted that the extra-judicial confession of PW-14 Murphy Prabhakar Bahire is not trustworthy. She submitted that there was 4 to 5 days delay in lodging the FIR. She further submitted that the alleged recovery of knife at the instance of the applicant is of no avail since no blood group of the deceased was detected on the said knife. She further submitted that the prosecution has not

proved the motive for the alleged commission of offence by the present applicant. Therefore, relying upon the notes of evidence, the learned counsel appearing for the applicant submitted that the finding recorded by the trial Court are not in consonance with the evidence brought on record by the prosecution.

3. On the other hand, learned APP appearing for the State submitted that the trial Court, after considering the entire evidence, has relied upon the incriminating circumstances which are set out in paragraph 64 of the impugned judgment and thereafter rightly convicted the appellant.

4. Upon hearing the submissions of learned counsel appearing for the applicant and learned APP appearing for the State and on perusal of the notes of evidence and the finding recorded by the trial Court and in particular, incriminating circumstances mentioned in paragraph 64 of the impugned judgment, we are of the *prima facie* opinion that the finding recorded by the trial Court are in consonance with the evidence brought on record. There are number of incriminating circumstances which point towards the guilt of the appellant. No

case is made out to entertain the Application. Hence, Application stands rejected. The observations made herein are *prima facie* in nature.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)

Vidya
Suresh
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