

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

CRIMINAL APPLICATION (APPA) NO.328/2018

IN

CRIMINAL APPEAL NO.110/2018

Laxman s/o Utrayya Dongre

...Versus...

State of Maharashtra, through Police Station Officer, Chandrapur City, Dist.
Chandrapur

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

Court's or Judge's orders

Shri L.B. Thawkar, Counsel for applicant/appellant
Mrs. S.S. Jachak, APP for respondent

**CORAM : R.K. DESHPANDE AND
ARUN D. UPADHYE, JJ.**

DATE : 30/07/2018

The accused is convicted for the offence punishable under Section 302 of Indian Penal Code. The incident occurred during the intervening night of 25/10/2015 and 26/10/2015. The body of the deceased was found lying in front of his house at 6:00 a.m. Accordingly, on 26/10/2015 itself the First Information Report was lodged and the applicant/accused was arrested.

The case is based upon the circumstantial evidence. The incriminating circumstances being the recovery of the weapon and the clothes of the accused stained with blood. The blood stains on the weapon as well as clothes of

the accused were found to be of “O” group matching with the blood group of the deceased. The blood group of the accused is found to be “AB^{+ve}”. Except the injuries on the fingers and hand of the accused no other injuries were found on his person. The circumstances *prima facie* have not been explained. The applicant/accused was refused bail during the trial. The presumption has lost.

In view of above, the criminal application is dismissed.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)

Wadkar, P.S.