

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

CRIMINAL APPLICATION (APPA) NO.703 OF 2018

IN

CRIMINAL APPEAL NO. 456 of 2018

(VILAS SAHADEORAO BHOYAR ...VS.. STATE OF MAHARASHTRA THR. PSO PS WARDHA CITY)

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

Court's or Judge's orders

Shri C.G.Barapatre, Advocate for Applicant/Appellant
Shri V.P.Gangane, A.P.P. for Respondent/State.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 24, 2018.

This application is filed by the accused praying for suspension of sentence.

The learned advocate for the appellant/ accused submitted that the evidence on the point of entry of accused in the house of the complainant does not inspire confidence. The evidence on record is insufficient to establish the involvement of the appellant/ accused in the incident as the incident occurred at about 11.30 p.m. and there is variance in the evidence of P.W. 3 who has stated that the lights were on and the evidence of P.W. 4 who has not stated anything about the fact that the lights were on at the time of the incident. It is submitted that the incident occurred on 14th September, 2012, however, the F.I.R. was lodged on 16th September, 2012 and there is no explanation for delay in lodging the F.I.R. It is argued that though, according to the prosecution, the victim was initially hospitalized at Sewagram Hospital and then she was shifted to Orange City Hospital, Nagpur, the prosecution has not examined any witness from Sewagram Hospital.

At the time of hearing, it is noticed that the copies of depositions are not supplied to the office of Public Prosecutor and the learned Additional Public Prosecutor is not in a position to assist the Court.

For the Court also it is not possible to appreciate the submissions made on behalf of the appellant, in the absence of the notes of evidence. The criminal application is **dismissed**.

The appellant is granted leave to move for early hearing after private paper book is filed.

JUDGE

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