

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

CRIMINAL APPLICATION NO.221 OF 2019

IN

CRIMINAL APPEAL NO.896 OF 2017

Shankar Gangadhar Jogdand ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Rupesh K. Bobade for the Applicant.
Mrs. M.H.Mhatre, APP for the Respondent-State.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**

DATE : AUGUST 20, 2019

P.C. :

Applicant-Accused has been convicted under Section 302 of the IPC for committing murder of a lady by name Radha and claiming to be his wife, is seeking bail urging that material on record is insufficient and dying declaration does not inspire confidence.

2 The incident is narrated by P.W.4 and 5, who are independent persons. P.W.3 is also independent person, who has turned hostile.

3 Radha had disclosed the incident dated 17th December, 2013 to these persons and also to the police officer, P.W.1.

4 She pointed out that her husband was not residing with her and he had an affair with some woman. She, therefore, went to Rahul Lodge at about 4 p.m. to verify and found him talking with other woman. She, therefore, told her husband to come home. She did not leave the spot and at about 10 or 10.30 in the night was sitting by fire, warming herself. Her husband arrived there and was persuading her to leave the place. She did not accept to leave.

5 She stated that her husband was having a bottle containing petrol and also match-stick. He poured petrol on her person and ignited. She started shouting. Passers by extinguished fire on her person. They also caught hold of the husband, who was trying to run away. She was admitted to the hospital.

6 This narration is supported by her dying declaration as recorded by PW 1. On the basis of that statement, FIR has been registered.

7 Though P.W.3 has turned hostile, P.W.4 and 5 have

deposed in favour of Radha and they also pointed out facts disclosed to them by Radha.

8 Effort of the applicant is to work out inconsistencies. At this stage, those inconsistencies in peripheral aspects are irrelevant. On material aspects, witnesses P.W.4 and 5 have supported the prosecution.

9 Prima-facie, therefore, there is no error in the judgment.

10 Application is rejected.

(SANDEEP K. SHINDE, J.)

(B.P.DHARMADHIKARI, J.)