

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 60 OF 2017

The State of Maharashtra.	...	Applicant.
V/s.		
Tushar Ramesh Raut.	...	Respondents.

Ms.P.P.Shinde, APP for the applicant.

CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 3rd January 2019.

P.C. :

This is an application for leave to prefer appeal under section 378(3) of the Code of Criminal Procedure, 1973 (for short "Cr.PC").

The respondent has been acquitted by the learned Additional Sessions Judge, Pune from the charge under section 302 of Indian Penal Code by its Judgment and Order dated 3rd February 2017 in Sessions Case No.257/2013.

2. Minute perusal of the record would indicate that the dead body of Shamapraavin Yusuf Mansoori, wife of the respondent was noticed by witness Suresh Shelke (PW-5) on 3rd December 2012 at about 9.00 a.m in the premises which was rented to the respondent by him. The record further indicates that the respondent was arrested on 8th December 2012 and his personal search was taken in presence of Panch witnesses. It is the prosecution case that the respondent was thereafter put in an

identification parade on 9th December 2012 and the sniffer dog was put into service to take smell of the respondent with a view to compare it with a Chappal which was found at the scene of offence on 3rd December 2012. The sniffer dog after smelling the Chappal barked at the respondent. It is the only piece of evidence connecting respondent with the present crime. The record is silent about the fact that the said Chappal was kept in a sealed condition by effecting proper Panchanama before it was smelt by the sniffer dog on 9th December 2012. It appears that the said Chappal was amenable to Investigating Agency easily before it was handled on 9th December 2012.

4. The record further indicates that there is no other circumstance leading to infer that the respondent is the sole perpetrator of the present crime. The trial Court after taking into consideration the material available on record has acquitted the respondent from the charges framed against him.

After perusing the entire evidence available on record, we are of the opinion that, the view adopted by the trial Court is a reasonable and probable view in the facts and circumstances of the present case. We find no merits in this application.

6. Application is, accordingly, rejected.

(A.S.GADKARI, J.)

(A.S.OKA, J.)