

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

**CRIMINAL APPLICATION NO.1441 OF 2019
IN
CRIMINAL APPEAL NO.1323 OF 2019**

Somling Chandram Hatturkar

...Applicant/Appellant

vs.

The State of Maharashtra

...Respondent

Mr. Taher T. Dholkawala a/w. Grishma Lad for the Applicant/Appellant.

Mr.vArfan Sait, APP for the Respondent/State.

Mr. S. B. Magar, H.C. Natepute Police Station, Solapur (R).

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

DATE : 16/10/2019.

PC.:

. Heard learned counsel (appointed) for the applicant and learned APP for the State. Learned counsel for the applicant (appointed) submits that only on the basis of motive and deposition of the son and ther daughter, the applicant has been convicted. He submits that alleged extra judicial confession is very weak type of evidence and does not inspire confidence. Not only this recovery of blood stained clothes from person of accused at the time of his arrest is also not established beyond reasonable doubt.

2. Learned APP disputes this. According to him evidence on record shows that deceased and accused were last living together in their residential house. PW-2, PW-3 as also PW-5 saw accused in blood stained clothes and accused has given extra judicial confession to PW-2 and PW-3. On the basis of these circumstances, residential house was broken open and

the wife was found lying dead and weapon of murder viz., axe was also seen lying there.

3. We find that PW-2 and PW-3 as also PW-5 have deposed on oath and pointed out that they saw accused in blood stained clothes.

4. PW-2 and PW-3 also pointed out extra judicial confession. Even if extra judicial confession is ignored, the fact of breaking open lock of residential house, finding of dead body of wife with murder weapon inside cannot be lost sight of.

5. At the time of arrest clothes on person of accused were blood stained. Though CA report fails to bring on record particulars of blood group, human blood is found on clothes of accused. Accused was not injured and has not explained that blood.

6. In this situation, at this stage we find no case made out by the applicant for bail. The application is rejected.

(SANDEEP K. SHINDE, J.)

(B. P. DHARMADHIKARI, J.)