

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1625 OF 2018****IN****CRIMINAL APPEAL NO. 540 OF 2018**

Sahadev Narayan Khandagle

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. Rahul thakur for the Applicant.

Ms. P.P. Shinde, APP for the Respondent-State.

**CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.****DATE : 7th MARCH, 2019.****P.C.:-**

Heard the learned counsel appearing for the Applicant. Applicant is the Appellant who has been convicted for the offence punishable under Section 302 of the Indian Penal Code. The prosecution has mainly relied upon the evidence of eye-witness P.W. No. 1 who is the widow of the deceased. The learned counsel appearing for the Applicant has taken us through the said evidence. She has described as to how the Applicant assaulted her husband initially with a stick and thereafter with a scythe. There are no major contradictions or omissions brought on record, in the cross-

examination of P.W. No. 1. The evidence of P.W. No. 5 Dr. Pravin Jagtap, indicates that there were corresponding injuries on the person of the deceased.

2 The Trial Court has believed the testimony of P.W. No.1. At this stage, we cannot re-appreciate the evidence. *Prima facie*, there is more than sufficient evidence on record to prove the complicity of the Applicant. No case is made out for grant of bail.

3 Application is rejected.

(A.S. GADKARI, J.)

(A.S. OKA, J.)