

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2069 OF 2018

IN

CRIMINAL APPEAL NO. 1544 OF 2018

Sarfaraj @ Athra Rashid Shaikh

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. M.S. Mohite I/by Mr. Chaitanya Pendse and Mr. Shantanu R. Phanse for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

CORAM : A. S. OKA, AND

A. S. GADKARI, JJ.

DATE : 30th JANUARY, 2019.

P.C.:-

Heard the learned counsel appearing for the Applicant.

2 The Applicant is accused No.7. Apart from other offences, the Applicant has been convicted under the impugned Judgment and Order for the offence punishable under Section 302 read with Section 149 of the Indian Penal Code.

3 The learned counsel appearing for the Applicant has taken us through some parts of the evidence of the prosecution witnesses. He submitted that, there is no evidence against the Applicant.

4 We have perused the findings recorded by the learned Judge in the impugned Judgment. We have perused the evidence and in particular, the evidence of P.W. No. 9. *Prima facie*, it appears to us that there is sufficient evidence on record to prove the complicity of the Applicant. For considering the submissions made by the learned counsel appearing for the Applicant, we will have to re-appreciate the evidence at this stage which cannot be done.

5 Application is accordingly rejected.

(A.S. GADKARI, J.)

(A.S. OKA, J.)