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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2087 OF 2018 IN
APPEAL NO.729 OF 2017

Faruq Ismail Khan & Anr. ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr.Bandu D. Dange for the applicants
Ms M.H.Mhatre, APP for the respondent

CORAM : A.S.OKA, &
SARANG V.KOTWAL, JJ.
DATE : FEBRUARY 15, 2019

P.C.:

1 Heard the learned counsel for the applicants. The applicants are accused Nos.1 and 2 who have been convicted for the offence punishable under section 302 read with section 34 of the Indian Penal Code. There are two dying declarations of the victim of the offence at Exhibits 34 and 54. Prima facie, both the dying declarations are consistent and have been duly proved. At this stage, there is nothing on record to show that even a prima facie case is made out to discard the evidence in the form of dying declarations. The learned counsel for the applicant submits that the mental condition of the deceased was not proper when the dying declarations were recorded but this fact could not be brought on record.

2 At this stage, more than sufficient prima facie evidence is available to show complicity of the present applicants. Accordingly, application is rejected.

(SARANG V.KOTWAL,J.)

(A.S.OKA,J.)