

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 355 OF 2019

IN

CRIMINAL APPEAL (APEAL) NO. 209 of 2019.

(Krishna s/o Sahadeo Vaidya, Nagpur Vs. State of Maharashtra, thr. Officer In-charge, PS
Aroli, District Nagpur.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.A. Randive, Advocate for the applicant/appellant.
Shri A.D. Sonak, APP for the respondent/State.

**CORAM : Z.A. HAQ &
PUSHPA V. GANEDIWALA, JJ.
SEPTEMBER 19, 2019.**

Heard.

This is an application filed by the applicant/appellant under Section 389 of the Criminal Procedure Code for suspension of sentence of imprisonment of life, and to release him on bail.

We have perused the compilation of evidence placed on record. Perusal of the same would reveal that there are two eye-witnesses to the incident. The First Information Report is lodged on the same day of the incident and the statements of these eye-witnesses have also been recorded on the same day. The postmortem report shows as many as eight serious injuries on the vital part of the body. The weapon used in the incident is an "Axe".

The learned Advocate for the applicant

placed much emphasis on the contention that the two eye-witnesses are planted by the prosecution. *Prima-facie*, we are not impressed by this submission.

In view of the evidence brought on record by the prosecution and *prima-facie* findings against the applicant recorded by the Sessions Court, we are not inclined to allow the application and the same is accordingly rejected.

JUDGE

JUDGE