

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

CRIMINAL APPLICATION (BA) NO.660/2019

Shalik s/o Tatya Bhongade

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The State of Mah., thr. PSO, City PS Yavatmal, District Yavatmal

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

Court's or Judge's Order

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Shri Bhushan Dafle, Counsel for the Applicant.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 27, 2019.

1. Heard learned counsel Shri Bhushan Dafle for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused entire copy of chargesheet.
2. The applicant was arrested in connection with Crime No.1104/2018 registered with City Police Station Yavatmal, District Yavatmal for offence under Section 302 of the Indian Penal Code.
3. On 22.11.2018, First Information Report is lodged by Sonu Dhawane, the widow of Pradip. Incident in question is dated 22.11.2018. Thus, First Information Report is lodged immediately on day of incident itself.
4. Chargesheet shows that though first informant Sonu is not an eyewitness, there are two eyewitnesses viz. Anjali and Sushant. Statement of said Anjali is recorded on 23.11.2018. Whereas, statement of Sushant is recorded on

24.11.2018. Thus, there is no delay in recording of statements of Anjali and Sushant. Statement of Anjali, shows that present applicant-Shalik assaulted by means of a stick on the head of Pradip, the deceased, due which he fell down. Even, after that, the applicant continued assaulting Pradip. Statement of Sushant, also shows that the applicant assaulted Pradip on the head.

5. Postmortem report shows that there are 9 injuries on various parts of body of Pradip, the deceased. Cause of death is head injury.

6. Since there are two eyewitnesses, who specifically attribute role played by the present applicant resulting into death of Pradip, the deceased, I am of the view that this is not a fit case wherein this Court should exercise its discretion in favour of the present applicant.

7. In this view of the matter, the criminal application is rejected and disposed of accordingly.

JUDGE

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