

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

CRIMINAL APPLICATION (APPA) NO. 666/2019
IN
CRIMINAL APPEAL NO. /2019

The State of Maharashtra, through Police Station Officer, Police Station, Barshitakli, Tq.
Barshitakli, Dist. Akola.

..VS..

Rohidas S/o Keshav Jadhav,

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

Court's or Judge's orders

Mr. A. D. Sonak, A.P.P. for the petitioner.

CORAM : Z.A.HAQ, AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 23rd September, 2019

Heard.

The State has filed appeal to challenge the judgment passed by the learned Sessions Judge, by which the respondent/accused is acquitted of the charge of commission of the offence punishable under Section 302 of the Indian Penal Code. However, he is convicted for the offence punishable under Section 304 Part II of the Indian Penal Code. The State has filed appeal to seek conviction of the respondent/accused for the offence punishable under Section 302 of the Indian Penal Code.

The learned A.P.P. pointed out the evidence of P.W.2 - Rahul who has witnessed the incident. P.W. 2 – Rahul stated that the accused - Rohidas came to the Pan shop where

he and the victim - Nagesh were sitting and Rohidas took out a knife and stabbed Nagesh in his left armpit. It is pointed out that the accused - Rohidas assaulted victim - Nagesh as he suspected that victim Nagesh was having illicit relations with his wife.

With the assistance of the learned A.P.P., we have examined Medical Report, showing injuries on the person of victim - Nagesh. It shows that, only one stab injury was found on the body of the victim - Nagesh, which was on left side of chest 17 cm. lateral to left border of sternum.

On going through the judgment passed by the learned Sessions Judge, we find that the learned Sessions Judge has properly appreciated the evidence on record and has taken a plausible view. It can not be said that the conclusions of the learned Sessions Judge are not in consonance with the evidence on record. Hence, we are not satisfied that leave is required to be granted.

Hence, the prayer for grant of leave is **dismissed**, consequently, the appeal is **rejected**.

JUDGE

JUDGE