

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

CRIMINAL APPLICATION (BA) NO.767/2019

Dhananjay Pralhad Bodkhe .vs. State of Maharashtra, through PSO P.S.
Shirpur, Dist. Washim

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

Court's or Judge's orders.

Mr. S. D. Chande, Advocate for applicant.

Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 26, 2019

Heard Mr. Chande, learned counsel for applicant
and Mr. Doifode, learned A.P.P. for non applicant-State.

The only submission made before me by learned
counsel for applicant is that applicant is in jail since last one
year and there is nobody to look after his daughters.

Applicant has strangled his wife inside his
house. Marriage of deceased took place with applicant in
2012 and the deceased was staying in her matrimonial house
till the incident had occurred in the year 2018. Since lastly
the deceased was in the company of the present applicant,
the provisions of Section 106 of the Indian Evidence Act
comes into picture with full force.

According to learned counsel for applicant, the
allegation was that applicant was in habit of drinking liquor
and in the said drunken condition, he committed murder.

Insofar as daughters are concerned, learned
A.P.P. submitted that the daughters are being taken care of
by grandparents of the daughters.

Since, the dead body was found inside the house of the applicant and as per the post mortem report, cause of death was due to asphyxia and looking to the injuries, which were ante mortem, I am of the view that applicant does not deserve any leniency.

The application is therefore rejected.

Needless to mention that observations made are purely for deciding present application and learned Judge of Court below, before whom the trial will be conducted, shall not get influenced by it.

JUDGE

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