

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

CRIMINAL APPEAL NO. 102/2020

Pramod P. Deshkar

..VS..

State of Maharashtra & anr.

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

Court's or Judge's orders

Shri J.K. Matala, Advocate for the appellant
Shri T.A. Mirza, APP for the respondent no. 1

CORAM : Z.A.HAQ & AVINASH G. GHAROTE, JJ.

DATED : 07/08/2020

Heard learned advocate for the appellant and
learned APP for the respondent no. 1.

By this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, the appellant has challenged the order passed by the Sessions Court by which the application filed by the appellant under Section 439 of the Code of Criminal Procedure is dismissed.

The appellant is arrested on 11/08/2019 in connection with Crime No. 173/2019 registered with the respondent no. 1 – Police Station for the offences punishable under Section 302 of the Indian Penal Code and Section 3 (1) (j) of the Act of 1989.

The facts on record show that the victim suffered multiple injuries caused by sharp weapon like knife on chest and abdomen. There are three witnesses who support the case of the prosecution. It is on record that there has been enmity between the appellant and son of the respondent no. 2 – complainant because of the earlier incident of murder of younger brother of the appellant by the son of the respondent no. 2 – complainant. Though learned advocate for the appellant submitted that the statements of the alleged eye witnesses are not reliable and trustworthy and there are several discrepancies, after going through the statements of Narendra Neware and Mangal Mankar and hearing the learned APP, who has pointed out that recovery of weapon is also there as per Section 27 of the Indian Evidence Act, we are not convinced that the appellant is entitled to be released on bail.

Hence, the criminal appeal is **dismissed**.

JUDGE

JUDGE