

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

CRIMINAL APPLICATION (APPA) NO.302 OF 2020 IN CRIMINAL
APPEAL NO. 459 OF 2019

Ashok G. Uikey and another
Vs.
State of Maharashtra

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

Court's or Judge's Order

Shri R.M. Daga, Advocate for appellants/applicants.
Shri T.A.Mirza, Additional Public Prosecutor for respondent.

CORAM :- A.S.CHANDURKAR AND
AMIT B. BORKAR, JJ.

DATED :- 11.08.2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

2. Heard Shri R.M.Daga, learned counsel for the applicant and Shri T.A. Mirza, learned Additional Public Prosecutor waives notice on behalf of respondent.

3. Perused the evidence recorded before the Sessions Court. Prima facie, it is seen that PW 2 and PW 8, who are daughters of the deceased did not support the prosecution. Further, we do not find any material to indicate the presence of the applicant at the spot of the incident shortly prior to its occurrence. The applicant was on bail during the trial and he stated to be about 60 years.

4. In that view of the matter, by taking prima facie view, the application is allowed. The sentence

imposed on the applicant in Sessions Case No.25 of 2017 by the learned Additional Sessions Judge, Hinganghat, District Wardha, is suspended during the pendency of the appeal. The appellant shall be released on furnishing PR bond of Rs. 20,000/- (Rs.Twenty Thousand only) with one surety in the like amount. He shall intimate his contact details to the Sessions Court and shall cooperate in disposal of the present appeal.

5. By clarifying that the observations made in this order are only for deciding the present application, the same is allowed and disposed of.

6. The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE

Andurkar