

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1029 OF 2019
IN
CRIMINAL APPEAL NO.1630 OF 2019**

Angad Samsherbahadur Singh

....Appellant/
Org.Accused

Versus

The State of Maharashtra

....Respondent

Mr. Y. P. Deshmukh a/w Ms. Kinjal Kanani for the Applicant.
Mr. H. J. Dedhia APP for the State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 15th FEBRUARY, 2021.

P.C. :

. Heard Mr. Deshmukh, the learned Counsel appearing for the applicant and Mr. Dedhia, the learned APP for the Respondent-State.

2. It is vehemently submitted by Mr. Deshmukh, the learned Counsel for the Applicant who is apprehended at the spot on the day of the incident i.e 16/2/2013 and since then the applicant is behind

bars. Mr. Deshmukh, the learned Counsel also submitted that the Trial Court failed to appreciate the evidence in proper perspective. It is also an attempt of Mr. Deshmukh, the learned Counsel to submit before this Court that the prosecution failed to establish the so called motive and further failed to put forth before the Court the substantive material or the alleged theory of motive. It is also submission of Mr. Deshmukh, the learned Counsel for the applicant that there is not evidence to show that there was some scuffle or heated exchange of words between the deceased and the accused prior to the incident and as such there was no material to support the prosecution. The prosecution is also silent about the aspect of any pre meditation and there is also no material to suggest that the applicant was carrying grudge against the deceased. It was also boldly submitted by Mr. Deshmukh, the learned Counsel for the Applicant that the so called witnesses viz., Mohan Gupta and Ravindra Pal themselves were the mischief players and to save themselves from the law the Applicant was falsely implicated.

3. Mr. Dedhia, the learned APP vehemently opposed the application. On perusal of record and particularly the judgment of the trial Court, we find that though the submission of the learned Counsel Mr. Deshmukh looks attractive at the first blush we are unable to accept this submission in view of the version of the witnesses who reached at the spot immediately and witnessed the brutal act of the applicant who was sitting on the chest of the victim and was cutting neck of the victim using a sharp edged weapon i.e.

kitchen knife. Admittedly, this is not the stage for appreciation and analyzing the evidence of the prosecution thoroughly and in-depth. Such exercise is to be undertaken at a later stage that is while hearing the appeal for final disposal. The material placed on record further show that apart from eye witness to the incident, the prosecution also rely on the extra judicial confession of the accused to a witness and other attending circumstance viz., the residents locked the door, latched it from outside and immediately informed the police machinery. Police machinery in turn immediately rushed to the spot, the applicant was arrested at the spot. The medical evidence also supports the case of prosecution.

4. Considering this material we are of the opinion that the application is devoid of merits and it deserves to be rejected and the same is rejected.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)

R.S.
Karve

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