

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

CRIMINAL APPLICATION (BA) NO.1322 OF 2020

(Vikram s/o Hukumbahadur Karki Vs. State of Maharashtra thr. PSO PS Ranapratap
Nagar, Nagpur)

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

Court's or Judge's orders.

Mr. A.C. Jaltare, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th JULY, 2021.

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

2. The applicant is in custody in connection with Crime 110/2020 registered with Police Station Ranapratap Nagar, Nagpur for offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. The incident occurred on 04.06.2020. The prosecution case is that the applicant and co-accused accosted the deceased and it was the applicant who launched a brutal assault with an iron rod on the head which resulted in near instantaneous death.

4. The incident appears to be a fall out of the anger nurtured by the applicant who perceived that the deceased was attempting to forge proximity with his sister.

5. Two eye witnesses have named the applicant and

have vividly described the assault. The iron rod used in the assault is recovered at the behest of the applicant. The incident is captured in CCTV. The vehicle of the deceased is also recovered from the residence of the applicant. The prosecution version is that a day prior to the incident the deceased visited the sister of the applicant and when the applicant arrived the deceased fled leaving behind the motor-cycle.

6. I am more than satisfied that there is ample material to connect the applicant with the crime, *prima facie*. The applicant has adverse antecedents. The learned APP Mr. Pathan points out that the applicant is already facing two prosecutions for serious offences.

7. Mr. Jaltare does make an attempt to find infirmity in the prosecution case by pointing out that the FIR refers to identified persons. However, the report is not lodged by an eye witness. The report is lodged by the brother of the deceased, and the brother of the deceased has stated, at the first available opportunity that the deceased apprehended danger to life from the applicant.

8. In my considered view, no case is made out for exercise of discretion.

9. The application is dismissed.

JUDGE