

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1795 OF 2022 IN
CRIMINAL APPEAL NO. 423 OF 2022

Dharma Pratap Jadhav

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. J. Salunke, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. G. AVACHAT &

R. M. JOSHI, JJ.

DATE : 15th DECEMBER, 2022.

PER COURT :

1. Heard.

2. Learned advocate for the applicant submits that considering the evidence on record, applicant has a good case on merit and having regard to the age of the applicant, he deserves to be enlarged on bail by suspending the substantive sentence. The said submission is opposed by the learned APP for the State relying upon the material evidence on record.

3. This case is based on circumstantial evidence. Testimony of Sachin (PW 6) indicates about applicant being seen in the company of deceased just before he was found dead. Infact, applicant himself does not dispute the said fact in his statement under Section 313 of the Code of Criminal Procedure. There is further evidence on record to show that a shirt stained with blood of deceased is recovered at the instance of the applicant. We, therefore, find that apparently the findings recorded by the trial Court are in consonance with the evidence on record.

4. We find substance in the contention of learned advocate for the applicant that having regard to the age of the applicant, hearing of the appeal needs to be expedited. Hearing is accordingly expedited. Application for suspension of sentence stands dismissed.

(R. M. JOSHI)
Judge

(R. G. AVACHAT)
Judge

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