

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

***INTERIM APPLICATION NO. 2203 OF 2022
IN
CRIMINAL APPEAL NO.685 OF 2022***

Manwar @ Kachara Anwar Sayyed .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondents

.....
Mr.Ashok Kumar Dubey a/w. Ms.Shweta Yadav, Advocate for the
Applicant.

Mrs.M.M. Deshmukh, APP for the Respondent – State.

.....
***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATED : AUGUST 03, 2022.

P.C. :

Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of his
sentence and enlargement on bail, pending the hearing and final
disposal of the aforesaid Appeal.

3 The applicant *vide* judgment and order dated 10th

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December, 2021, passed by the learned Additional Sessions Judge, Borivali, Dindoshi, Mumbai, in Sessions Case No.107 of 2017, has been convicted for the offence punishable under Section 307 of the Indian Penal Code (“IPC’, for short), and, has been sentenced to suffer imprisonment for life and to pay fine of Rs.50,000/-, in default, to undergo further rigorous imprisonment for two years and six months.

4 Perused the papers with the assistance of the learned counsel for the respective parties.

5 A perusal of the evidence of P.W.2 – Karan Chandra Singh shows that the incident took place on 9th September, 2016 at about 03:30 a.m., when he had gone to answer nature’s call. He has stated that whilst he was consuming whitener, as a drug, the applicant met him and asked him for the whitener for his consumption. P.W. 2 – Karan Chandra Singh, has further stated that he provided the whitener to him for the first time, however, when the applicant again demanded the whitener, he refused. P.W. 2 – Karan Chandra Singh has stated that when he started walking, the applicant followed him and again

demanded the whitener and when he refused to give, the applicant assaulted him with a big long nail cutter in his abdomen; and thereafter, on his left shoulder. It appears that when P.W.2 – Karan Chandra Singh sat, the applicant told him that he will take him to the hospital and made him sit in an auto-rickshaw; and whilst in auto-rickshaw, the applicant again took out the said weapon and stabbed him twice in his abdomen; assaulted him in his chest; and thereafter, in his left eye and behind his left ear. P.W. 2 – Karan Chandra Singh has further stated that the public saved him from the applicant. A perusal of the evidence of P.W.13 – Dr.Bhushan Kale shows the nature of injuries sustained by P.W.2 – Karan Chandra Singh. The said injuries read thus:-

- 1 *Rupture of globe of left eye.*
- 2 *Incised wound measuring 3 cm. X 1 cm. X 0.5 cm. over right side of chest without pleural breach.*
- 3 *Incised wound measuring 1 cm. X 0.5 cm. X 0.5 cm. subcutaneous depth in left hypochondrium.*
- 4 *Incised wound measuring 0.5 c.m X 0.5 cm. X 0.5 c.m. subcutaneous depth in left hypochondrium.*
- 5 *Incised wound measuring 4 cm. X 1 cm. X 2 cm.with*

peritoneal breach in left hypochondrium.

6 *Incised wound measuring 0.5 cm. X 0.5 cm. X 0.5 cm. subcutaneous depth in left hypochondrium.*

7 *Incised wound measuring 2 cm. X 1 cm. X 1 cm. depth upto abdominal wall muscle layer in left hypochondrium.*

8 *Incised wound measuring 6 cm. X 0.5 cm. subcutaneous deep over catered side of left chest, horizontal crossing mid axillary line.”*

6 Considering the nature of injuries sustained by P.W. 2 – Karan Chandra Singh and his evidence, this is not a fit case to suspend the applicant's sentence and enlarge him on bail.

7 Interim Application is rejected.

8 However, hearing of the Appeal is expedited.

9 Liberty is granted to the applicant to circulate the Appeal on receipt of R and P and paper book.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.