

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

***INTERIM APPLICATION NO. 2712 OF 2021
IN
CRIMINAL APPEAL NO. 267 OF 2022***

Ravindra @ Bhim Ramashankar Giri	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant D. Patil for the Applicant

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondent–State

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
TUESDAY, 19th JULY 2022**

P.C. :

1 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 appeal.

3 The applicant, along with other co-accused, vide judgment and order dated 23rd April 2019, passed by learned Additional Sessions Judge, Sessions Court, Greater Mumbai, in Sessions Case No. 153/2016, has been convicted and sentenced as under:-

- for the offence punishable under Section 302 of the Indian Penal Code, to suffer imprisonment for life and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for 1 month;

- for the offence punishable under Section 201 of the Indian Penal Code, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.500/-, in default of payment of fine, to undergo simple imprisonment for 1 month;

Both the sentences were directed to run concurrently.

4 Learned counsel for the applicant submits that the prosecution case rests on circumstantial evidence and that the prosecution has not proved the circumstances by leading cogent and legal evidence. He submits that the evidence adduced by the prosecution is not sufficient to show the complicity of the applicant in the alleged incident.

5 Learned A.P.P opposes the application.

6 Perused the papers. According to the prosecution, the deceased was teasing the applicant's wife, as a result of which, the applicant had informed the deceased's father i.e. PW 1-Anantlal Giri, to give him an understanding or he would kill his family. On 27th October 2015, the deceased Jitendra Giri went missing. On 29th October 2015, a missing complaint was lodged by PW 1-Anantlal Giri with the Pant Nagar Police Station. On 3rd November 2015, a decomposed body of the deceased-Jitendra Giri was found, pursuant

to the disclosure statement made by the applicant. It appears that prior to the said discovery of the dead body on 3rd November 2015, the applicant had called his father-Ramshankar Giri (PW 7) and asked him to come near Rajawadi Garden. PW 7-Ramshankar Giri informed PW 1-Anantlal Giri about the same and they all went and met the applicant at Rajawadi Garden. PW 1-Anantlal Giri has, in his evidence, stated that the applicant disclosed to him that 'do not search for Jitendra Giri, as he has murdered him'; that he had taken Jitendra to Godrej Soap Bus Stop; that he has thereafter, murdered Jitendra by giving him a blow with an iron strip on his neck and thereafter, had dumped his body in a nallah, after putting it in a gunny bag. It is pertinent to note that the dead body was found subsequently at the same spot, pursuant to the disclosure statement.

7 *Prima facie*, the extra judicial confession is corroborated by the discovery statement of the applicant. There is recovery of an iron strip at the instance of the applicant. There is also recovery of blood stained clothes at the instance of the applicant. *Prima-facie*, the

evidence on record shows that there was a motive for the applicant to cause the death of the deceased. The circumstances on record *prima facie* point to the complicity of the applicant.

8 Considering the aforesaid, the applicant's application seeking suspension of applicant's sentence and enlargement on bail is rejected.

9 Application is disposed of accordingly.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.