

Sessions Case No. 144 of 2018 have been convicted for the offence punishable under section 302 read with section 34 of the Indian Penal Code and have been sentenced to undergo imprisonment for life and to pay fine of Rs. 5000/- each, in default, to undergo further rigorous imprisonment for six months

3. Heard learned counsel for the parties. Perused the papers.

4. There are four eye witnesses relied upon by the prosecution to prove its case i.e. P.W.1-Sunil Hiranman Pathrut, P.W.2-Manda Dipak Bhandekar, P.W.4-Ranjana Vinod Nalwade and P.W.5-Akash Santosh Dhotre. All the said eye witnesses have consistently stated that the incident took place on 15th September 2017 at about 12.00 noon, when deceased-Vikas, was sitting in Mauli cloister, Modnimb. They have stated that the applicants came to the spot and there was a quarrel between deceased Vikas and the applicants, pursuant to which applicant no. 1 picked up a stone and gave a blow and threw it on Vikas, as a result of which Vikas sustained an injury and fell down. The applicant no. 2 thereafter, is stated to have pulled out a knife from his pocket and assaulted

Vikas on his neck. Both the applicants thereafter escaped from the spot on a motor cycle.

5. The said evidence of P.W.-4 (Ranjana Vinod Nalawade), an eye-witness is duly corroborated by the evidence of P.W-9-Dr Chaitanya Sudhir Bapat. P.W-9 noticed two injuries on the deceased; one incised injury, front of the neck and a fracture of right side of the skull.

6. Considering the aforesaid evidence it is not fit case to enlarge the applicants on bail. Application stands rejected.

7. However, applicant's are at liberty to apply for fixing date of early hearing of their appeal, since paper book is ready.

GAURI GODSE, J.

REVATI MOHITE DERE, J.