

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 929 OF 2021

Bharat Vishal Rathod

.Appellant

Vs.

The State of Maharashtra & Anr.

.Respondents

None for the Appellant.

Mr. Karl Rustomkhan, advocate appointed for Respondent No.2.

Mr. A. R. Kapadnis for Respondent No.1-State.

**CORAM : SUNIL B. SHUKRE AND
ABHAY. S. WAGHWASE, JJ.**

DATE : 8 MARCH, 2023

P. C.

. Learned counsel for the Appellant is absent. The record shows that on the last three occasions also the learned counsel for the Appellant was not present. Such continuous absence of the learned counsel for the Appellant shows that the Appellant is not interested in prosecuting the Appeal. Accordingly, we have heard learned APP and learned counsel for Respondent No.2.

2. On going through the material available on record, we are of the view that there is sufficient *prima-facie* evidence

indicating involvement of the Appellant in the offence punishable under Section 302 of the Indian Penal Code, 1860. There is a report submitted by Regional Forensic Science Laboratory, which is taken on record and marked Document “A” for identification, which shows that the person whose image is captured in the CCTV video footage is the same person who is the Appellant here. Besides, there is a recovery of waist belt at the behest of the Appellant under Section 27 of the Indian Evidence Act, 1872, which is one more factor, which strengthens our opinion regarding *prima-facie* involvement of the Appellant in the crime registered against him.

3. All these aspects of the matter, have been appropriately considered by the Special Court and therefore, we find that no case is made out by the Appellant for interfering with the impugned order.

4. The Appeal stands dismissed.

(ABHAY. S. WAGHWASE J.)

(SUNIL B. SHUKRE, J.)