

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

**INTERIM APPLICATION NO. 4036 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 19927 OF 2022**

Gyansingh Bajaransingh Thakur

.. Applicant

Vs

State of Maharashtra

.. Respondent

Mr. S. A. Rajeshirke for the applicant.

Mr. A. R. Kapadnis, APP for respondent - state

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 15th FEBRUARY, 2023

P.C.:

1. In Session Case No. 765 of 2013 Additional Session Judge, Greater Bombay convicted the applicant for an offence punishable u/s. 302 of IPC and sentenced him to undergo imprisonment for life. The applicant has invoked provision of section 389(1) of Cr.P.C and is seeking relief for suspension of sentence and bail.

2. Mr. Rajeshirke, learned counsel for the applicant would urge that deceased Shahbaz Ahmed Nhavi was the employee of Waqar and Washim Khan, who are the owners of Nidha Collection and deceased Asmat Ahmed Shaikh @ Mass was friend of applicant/accused and deceased-Shahbaz. Both were allegedly

murdered by the applicant. According to him, the applicant/accused has given training to deceased - Shahbaz as to the tailoring of clothes. In this background, he would urge that there was no motive for the applicant to commit the offence in question.

3. According to him, even if it is claimed that the applicant has murdered Shahbaz and Asmat, same was out of grave and sudden provocation. So as to substantiate the said claim he would invite attention of this Court to the testimony of complainant - Sarveshkumar.

4. As against this, learned APP would oppose the prayer.

5. We have appreciated the prosecution case. It appears that Nidha Collection, who are into manufacturing of garments was owned by Waqar and Wasim Khan with whom the deceased Shahbaz was employed. The accused - Gyansingh and Asmat were friends used to visit Shahbaz fortnightly.

6. On the date of incident i.e. 29/05/2013 applicant entered Nidha Collection, interacted with deceased, shut down the door and with blade of long scissor attacked deceased - Shahbaz and Asmat by inflicting blows on the neck, chest and stomach. Both the aforesaid persons appeared to have died on the spot.

7. The entire incident appears to have been captured in CCTV footage. When the incident of commission of the offence occurred, other employees were present in the said place who in categorical terms at Exhibits-15, 20 and 21 proved the testimonies of complainants - Sarveshkumar, Neeraj and Rajju, established the guilt of the applicant/accused. Apart from recovery of weapon, the blood stains are also recovered from the applicant/accused.

8. The prosecution has already established the involvement of the applicant/accused in the offence in question beyond reasonable doubt. In this background, we do not see any reason to grant relief as prayed.

9. The application accordingly stands rejected.

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(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)