

3. The applicant, vide Judgment and Order dated 23rd August, 2023, passed by the learned Additional Sessions Judge, Pune, in Session Case No. 190 of 2011, has been convicted alongwith other co-accused, for the offences punishable under Sections 143, 147, 148, 149 and 302 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.2,00,000/-, in default, to suffer simple imprisonment for one year.

4. Perused the papers. The prosecution case rests on eye-witnesses, in particular, P.W.1 – Chandrakant Navale, since the other two eye-witnesses have not identified any of the assailants. P.W.1 – Chandrakant is not only an eye-witness, but also a complainant in the said case. He has stated that there was a quarrel between Vasant Devkar and Namdev Ghule (father of deceased) on account of the Grampanchayat election. He has stated that in March, 2010, since their Dhol Lezim was running in full swing, the applicant and his brother Santosh (absconding accused) was having hatred towards them and the applicant had abused the boys of their Lezim Mandal. He has

further stated that the boys of their Mandal had assaulted the applicant and others and that the Police had arrested some of the persons in connection with the same. It is further stated that since then, the accused was annoyed against the boys of their Mandal. As far as the incident of 21st November, 2010 is concerned, P.W.1 – Chandrakant has stated the manner in which, the incident took place on the said date including the assault by the applicant, his brother Santosh (absconding accused), Haidar, Anand, Viki, Arjun and Avinash. He has stated that the accused were armed with sickles in their hands. He has specifically stated that the applicant has assaulted the deceased on his head and has stated how the other accused have also assaulted the deceased.

5. A perusal of the evidence of P.W.9 – Dr. Bhagwan Lakshman Varai, who conducted the post mortem, would reveal that he found 37 injuries on the person of the deceased i.e. chopped injuries and incised injuries.

6. Considering the evidence on record, this is not a fit case to

enlarge the applicant on bail.

7. The application stands rejected. However, preparation of paper-book is expedited. After paper-book is ready, the appeal to be listed at its appropriate place, as per its turn, on the final hearing board.

8. The application is disposed of accordingly.

9. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.