

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 1180/2022 IN
CRIMINAL APPEAL NO. 180/2022

(Vishal S/o. Sahadev Gawai Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. A. Badar, Advocate (appointed) for applicant.
Mr. S.S. Doifode APP for non-applicant/State.

CORAM: VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATED : 06/01/2023.

Heard.

2. The applicant seeks suspension of execution of sentence invoking provisions of Section 389 of the Code of Criminal Procedure. The applicant was charged and convicted for the offence punishable under Section 302 of the Indian Penal Code in Sessions Trial No. 111/2018 vide judgment and order dated 04.10.2021. It is alleged that the applicant has committed murder of his father-in-law due to strained relationship between the couple.

3. The prosecution has led evidence of total nine witnesses. The learned APP took us through evidence of PW-1 Rekha, PW-3 Kiran and PW-5 Venubai who are the eye-witnesses to the occurrence. We have carefully gone through the evidence which *prima facie* shows that all of them have seen the accused while inflicting repeated knife blows at the vital part of body of deceased. Moreover, the learned APP took us through the evidence of Medical

Officer couple with postmortem report which shows that there were incise wounds.

4. Having regard to above nature of evidence, we are not inclined to allow this application. Hence, application stand rejected.

5. Fees be paid to the learned appointed counsel appearing for the applicant as per Rule.

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1. The learned counsel appearing for applicant requested to place this matter for final hearing as the accused is in Jail.

2. Stand over to in the first week of February 2023 for final hearing.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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