

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

***INTERIM APPLICATION NO. 4520 OF 2023
IN
CRIMINAL APPEAL NO. 730 OF 2016***

Manju Dilip Shukla Applicant

Versus

State Of Maharashtra And Anr. Respondents

Mr. Mahesh Vaswani, Ms. Shreya Tiwari, Ms. Lakshita Fatnani i/b Ms. Dharini Nagda, for the Applicant.

Mr. V. B. Konde-Deshmukh, Addl.PP for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 28th FEBRUARY 2024

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks suspension of her sentence and enlargement on bail, pending the hearing and final disposal of her aforesaid appeal.

3. Learned Counsel for the applicant submits that there are five dying declarations and, that the said dying declarations are inconsistent with each other. He submitted that the first and the last dying declaration, which were recorded disclose history of accidental burns, whereas, the second, third and fourth dying declarations made by the deceased, disclose that the applicant threw kerosene on the person of the deceased and set her ablaze. He submits that there are several discrepancies, with respect to the recording of the second, third and fourth dying declarations.

4. Prima-facie, having perused the above dying declarations, we do not see inconsistencies, as alleged. The first and the last dying declarations were recorded, when the deceased was admitted in the hospital, in the presence of her relatives; the second and the third dying declarations were recorded by police officer and the fourth dying declaration was recorded by the the Special Executive Magistrate. All the said dying declarations are consistent with each other. In all the said dying declarations, the deceased has categorically

stated that the applicant poured kerosene on her person and set her ablaze.

5. Be that as it may, we are conscious of the fact, that the applicant is in custody for about 11 years and hence we deem it appropriate to fix the aforesaid appeal for final hearing, at the end of the admission board, on **8th April, 2024**, instead of enlarging her on bail, having regard to the evidence on record.

6. Accordingly the application stands rejected.

7. The Appeal to be listed at the end of the Admission Board on **8th April, 2024**, under the caption for “Final Hearing”.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.