

Santosh Shivaji Pandhare	...	Applicant
V/s.		
The State Of Maharashtra	...	Respondent

Mr. Nilesh Desai I.by Laxman Kalel for the ori. complainant/intervenor.

DATE : 25TH OCTOBER, 2024.

3. The learned counsel for the applicant submits that the applicant is the son of the main accused who is responsible for the death of the deceased. Whereas, the allegations against the applicant is

that he assaulted the deceased by fist and blows. He has pointed out that the offence was not premeditated but it took place in a spur of moment. In support of this submission he has pointed out that a hammer which was lying on the spot was taken by accused no. 1 and inflicted a blow on the forehead of the deceased.

4. On the other hand, the learned APP strongly opposed the application. He pointed out the incriminating material against the applicant.

5. Having gone through the charge-sheet and the relevant material, it is evident that there is sufficient incriminating material against the applicant. There is a statement of Kunal Shinde who is an eyewitness, who stated in his statement that before the deceased reached the spot, the accused i.e. the accused no. 1 and accused no. 2 both were present and they had stones in their hand and the moment deceased reached the spot they stopped him and started assaulting him. There is a specific mention that both the accused uttered that they would not spare the deceased before they started assaulting the deceased. Though the applicant assaulted the deceased with fist and blows, it is evident that both the accused had common intention. It is further evident that there was an intention to kill the deceased.

6. In the circumstances, as there is sufficient incriminating material available on record, the application is rejected.

(ANIL S. KILOR, J)