

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.46 OF 2024
IN
CRIMINAL APPEAL NO.587 OF 2021

Sunil Karbhari Jadhav	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Vaibhav Kadam a/w Aditya Thorat, Shrinath Badade and Kalpesh Karkera for the Applicant.

Ms.Sharmila Kaushik, APP for the State.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATE : 10th JULY, 2024.

P.C.

1] On an earlier occasion i.e. on 30.09.2021, application filed by the Applicant seeking suspension of sentence and for his release on bail during the pendency of the Appeal was rejected.

Being aggrieved, the Applicant approached the Apex Court and on 26.05.2023, though the Court was not inclined to entertain the Appeal and dismissed the SLP, but conferred liberty upon the Applicant to apply afresh before the High Court for suspension of sentence.

Pursuant to this liberty, the present Appeal is filed.

2] We have heard the learned counsel for the Applicant and also perused the impugned Judgment.

On appreciating the reasoning adopted by the learned Judge, unfortunately we could not arrive at a conclusion different than the one that is recorded by the earlier bench on 30.01.2019.

The evidence of the child, an eye witness of the incident aged 7, has nailed the Applicant completely and the argument that the child is not trustworthy according to us, is nothing but a frantic cry, for securing an acquittal.

In addition, there is dying declaration of the deceased, endorsed by PW 6 Dr.Rohini Sapkal, who had found the deceased to be in a fit and conscious condition to record statement.

3] In the wake of aforesaid reasons, even on the second occasion, we are not inclined to show any indulgence in favour of the Applicant.

In the wake of above, Interim Application stand dismissed.

[MANJUSHA DESHPANDE, J]

[BHARATI DANGRE, J]