



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

CRIMINAL APPLICATION (APPA) NO. 355 OF 2024
IN
CRIMINAL APPEAL NO. 231 OF 2022

SURESH S/O. SHRAVAN KHANDARE
VS
STATE OF MAH., THR. PSO SAWANGI (MEGHE), TQ. AND DIST.WARDHA AND ANR.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri S. R. Kadam, Advocate for appellant.
Ms. Mayuri Deshmukh, APP for respondent no. 1/State.
Ms. Kirti Deshpande, Advocate (Appointed) for respondent no. 2.

CORAM: SMT. M.S.JAWALKAR AND
M.W. CHANDWANI,, JJ.

DATED : 25th NOVEMBER, 2024.

Heard.

2. Pending the appeal, the appellant seeks suspension of sentence. The appellant has been convicted for the offence punishable under Section 302 of Indian Penal Code (for short, I.P.C.) and sentenced to suffer rigorous imprisonment for life.

3. The prosecution story is that, on 12/08/2016, when the appellant was chit-chatting near Bus Stand, the deceased came there and asked him to return his money. There was an incident of abuse and quarrel and the appellant came out from his house with *Katara* and assaulted the deceased Raju on his head and other parts of the body. On receiving the

information, the informant/mother of deceased rushed to the spot and saw that, her son Raju is lying in a pool of blood. The police reached there and he was taken to the hospital where he was declared as dead. On the information of the informant, the offence came to be registered against the appellant.

4. The contention of the learned counsel for the appellant is that, the presence of P.W. 4 is thus doubtful for the reason that, neither the informant/mother of the deceased nor the witness has taken the name of present appellant in their depositions mentioning that, he was present on the spot. It is also contended that, it is highly doubtful that, the appellant was carrying his election card with him. It is also submitted that the habitual panchas have been used in this crime.

5. On the other hand, the learned APP for the State, submitted that there is eye witness to the incident. The recovery has been made at the instance of the appellant. The blood stained clothes of the appellant is also recovered. Therefore, he supported the judgment of the learned Trial Court.

6. On perusal of the judgment in Sessions Case No. 118/2016 dated 29/03/2019, it reveals that the learned District and Sessions Judge, Wardha relied on

the version of P.W. 4 - Arvind Pandurang Jagankar who was present on the spot at the time of the incident as well as the election card of the appellant was found on the spot of the incident. The eye witness has given the account of incident in detail. Further, the election card of the appellant was found on the spot of incident even prior to arrest of the appellant. The learned Trial Court found his evidence corroborated with the version of the informant with regard to motive of crime and found the appellant guilty under Section 302 of I.P.C.

7. We find prima facie no infirmity in the impugned judgment relying on the version of eye witness and the incriminating circumstances against the appellant. No case is made out for suspension of sentence. The exercise of re-appreciation of evidence will be done at the time of final hearing of the appeal. In view of above, the application is rejected.

(M.W. CHANDWANI, J.)

(SMT. M.S.JAWALKAR, J.)