



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

CRIMINAL APPLICATION [APPA] NO. 867/2023.

Mohammad Rashid Wazir Shah

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P. Mirza, Advocate for the Applicant/Appellant.
Shri S.A. Ashirgade, A.P.P. for Respondent No.1/State.
Shri J.B. Kasat, Advocate for Respondent Nos.2 and 4.
Shri P.V. Navlani, Advocate for Respondent No.3.

CORAM : NITIN B. SURYAWANSHI AND
PRAVIN S. PATIL, JJ.

DATE : FEBRUARY 11, 2025.

Heard.

2. This appeal filed under 372 read with Section 378 of the Criminal Procedure Code challenges the judgment and order of acquittal of respondent nos. 2 to 4 passed by the Additional Sessions Judge, Amravati in Session Trial No.320/2014 on 05.04.2023, thereby acquitting the accused persons of the charge under Section

302 read with Section 34 of the Indian Penal Code.

3. Heard learned Counsel for the appellant, learned A.P.P. for State and learned Counsel for respondent nos.2 to 4. With their assistance we have perused notes of evidence and impugned judgment.

4. It appears from the record that informant (P.W.1) has denied contents of first information report. His evidence is discarded by the trial Court as he claims to be an injured eye witness, however, no document showing that he suffered injuries are placed on record.

5. Wife of deceased (P.W.4) also claims to be an eye witness, but, her statement was recorded after 7 days of the incident. Oral dying declaration made to P.W.5 – uncle of the deceased is also disbelieved in absence of any corroboration.

6. Trial Court appears to have properly appreciated the evidence and has by a well reasoned order acquitted the accused persons. We find no illegality or perversity in the impugned judgment

and order. Criminal Appeal being devoid of merits,
is dismissed.

JUDGE

JUDGE