

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3617 OF 2025

IN

CRIMINAL APPEAL NO. 603 OF 2024

Ramhari @ Ram Shamrao Bansode

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Ritesh Thobde a/w Adv. Darshan Singh Rajpurohit and Adv. Pushkraj for the Applicant.

Mrs. S. N. Deshmukh, A.P. P. for the Respondent-State.

Coram : R.G. AVACHAT &
AJIT B. KADETHANKAR, JJ.

Date : 28th January 2026.

PER COURT :

1. Heard.
2. The Applicant has been convicted for an offence punishable under Section 302 of the Indian Penal Code, 1860, and has been sentenced to imprisonment for life. The prosecution case is based primarily on the eyewitness account of PW-3.

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3. According to the learned Advocate for the Applicant, one of the eyewitnesses is a child witness. It is contended that the medical evidence is inconsistent with the eyewitness account and that there are inconsistencies between the testimonies of the two eyewitnesses. One witness has stated that the Applicant first assaulted the deceased with a stone and thereafter with a knife. Whereas the other witness has deposed that the Applicant initially assaulted the deceased with a knife and subsequently wielded a stone. It is further submitted that both the stone and the knife were shown to the Medical Officer during his cross-examination, and that the Medical Officer opined that the injuries could not have been caused with both the articles. According to the learned Advocate, there is no other evidence to reinforce the prosecution case and, therefore, he urged for grant of the Application.

4. It is submitted that the incident allegedly occurred on account of the deceased having an extra-marital relationship with the wife of the Applicant. However, at this juncture, there is nothing to indicate that there was any grave and sudden provocation so as to alter the nature of the offence in question.

5. Be that as it may, the case is based on the eyewitness accounts of PW-2 and PW-3. The child witness was 14 years of age at the relevant time. The inconsistencies in their evidence regarding the sequence of events, in our

view, do not go to the root of the case at this stage. So far as the medical evidence is concerned, it needs to be stated that the articles with which the deceased was assaulted were not recovered at the instance of the Applicant but were found at the scene of the crime itself. In such circumstances, it is difficult to accept the contention that the Medical Officer opined that the injuries were not possible by those weapons.

6. Needless to mention, the evidence will have to be re-appreciated threadbare, which would be possible only when the appeal is heard on its own merits. At this stage, no case is made out for grant of the Application.

7. In view of the above, Interim Application stands rejected.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]