

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 787 OF 2015
IN APEAL/149/2015 WITH APEAL/149/2015SAU. SARLABAI CHANDRAJIT PATIL
VERSUS
THE STATE OF MAHARASHTRA...
Advocate for Applicants : Mr. Dhorde Vikram R
APP for Respondents State: Mr. V. D. Godbharale...
**CORAM : T. V. NALAWADE &
SMT. I. K. JAIN, JJ.****DATE : 18th April, 2015****PER COURT :**

1. The application is for suspension of substantive sentence and for leave to appeal. Both the sides are heard.

2. The applicant and her husband are convicted and sentenced for the offence of murder of one Kailas Ramlal Patil who was working in their field. The incident in question took place on 28.01.2013. On that day, deceased left home for the field of the appellant and this was within knowledge of brother of the deceased, complainant. On that day, there was some mysterious call from the mobile of deceased and so the complainant went to the field of the appellants. He could not see the deceased and appellants in the field. As the deceased did not return home, again he started searching for the deceased. On that day, early in the morning witness PW2 had seen the deceased in the field of the appellant and both the appellant and husband were in the company of deceased. There is more material like evidence of PW 6 which is to the effect that he had seen the appellant and her husband together on that day in the field. The field implement of the deceased were found in the field and also they were recovered. Dead body of the deceased was found in the neighbouring field and it was in concealed condition. The blood stained clothes of the husband of the appellant were recovered from the house of

appellant. They were blood stains of group B which is of the deceased. Weapons having blood stain were recovered at the instance of husband of the appellant. Murder was committed by giving blows of sharp age weapon and also by strangulation. There is medical evidence to that effect. There is material to show that there was motive for the offence. There is allegation that the present appellant was seen in compromising position with the deceased in the field of one neighboring land holder by witness PW-6. The news was spread in the village and people started talking about it. Husband and wife suffered harassment due to news. This is said to be a motive for the commission of offence.

3. Learned counsel for the appellant submits that FIR was given on 29.01.2013. He also argued that appellant was on bail during the trial. This circumstance cannot be considered at this stage. There is evidence of aforesaid nature against the appellants. It is not a fit case for suspension of substantive sentence and for granting leave to appeal.

4. The application is dismissed.

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)

JPC