

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Criminal Application No.899 of 2015
In
Criminal Appeal No.178 of 2015**

Parmeshwar s/o Anil @ Annarao Boyne
And Others. **.. Applicants.**

Versus

The State of Maharashtra. **.. Respondent.**

Shri. Sachin S. Panale, Advocate, for applicants.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 2nd MARCH 2015

ORDER:

1) The application is filed for suspension of substantive sentence given in Sessions Case No.60/2013 which was pending in the Court of the Additional Sessions Judge, Latur. The appellants are convicted for offence punishable under section 304-B read with 34 of the Indian Penal Code and each of them is sentenced to suffer

sentence of rigorous imprisonment for seven years. Both the sides are heard.

2) During arguments it was submitted that the appellants were on bail during trial. Statement is made that fine amount has been deposited and these appellants are surrendered to bail and they are behind the bars at present.

3) When this Court expressed that the Court is not inclined to grant the relief to the husband, applicant No.1, Parmeshwar, the learned counsel for applicant No.1, on instructions, submits that he wants to withdraw the application of Parmeshwar. The application of appellant No.1 Parmeshwar is disposed of as withdrawn.

4) This Court has gone through the record like substantive evidence of the relatives of the deceased on parents side and the medical evidence. The death took place due to haematoma of brain. The deceased was taken out of matrimonial house and then she was admitted in hospital. As per the version of the father of the deceased

the deceased disclosed that the husband had given blow of iron bar on her head. The death took place due to this injury as per the evidence given by doctor who conducted her post mortem examination. As the deceased made disclosure about the assault and the disclosure was mainly against appellant No.1, Parmeshwar, this Court holds that substantive sentence given against appellant Nos.2 to 4 can be suspended.

5) In the result application of appellant Nos.2 to 4, Anil @ Annarao s/o Venkatrao Boyne, Savita w/o Anil @ Annarao Boyne and Rameshwar @ Dnyaneshwar s/o Anil @ Annarao Boyne is hereby allowed. Substantive sentence given against them is hereby suspended and they are to be released on bail on their furnishing PB and SB of Rs.15,000/- (rupees fifteen thousand) by each of them. Paper book is expedited.

Sd/-
(T.V. NALAWADE, J.)

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