

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 1038 OF 2015
IN APEAL/208/2015

DAGADU PUNJU BARI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jadhav Satej S.
APP for Respondent: Mr. R. P. Phatke.

CORAM: T. V. NALAWADE, J.
DATED: 12th MARCH, 2015.

PER COURT:

1. The application is filed for suspension of substantive sentence. Both sides are heard.
2. This Court has perused the record of depositions and also the so called dying declarations of the deceased on the basis of which conviction is given. This Court has seen the reasoning. The charge was framed for offence under section 302 of I.P.C. but in view of the nature of dying declarations the trial Court has convicted and sentenced the appellant for offence under section 304 Part II of I.P.C. The maximum sentence of imprisonment

of 7 years is given. Record shows that the Appellant was on bail during trial. Dying Declarations show that during quarrel the husband pushed the deceased, due to which she fell on burning stove and her clothe caught fire. It is her case that the husband did not extinguish the fire. She herself went towards the small well and jumped into it to extinguish the fire but she succumbed to the injury. Her two dying declarations were recorded. In the first dying declaration she disclosed that she sustained injuries in accidental burns and the second dying declaration is of the aforesaid nature. Learned counsel for the Applicant submitted that the entire fine amount has been deposited. In view of this circumstance, this Court holds that substantive sentence needs to be suspended.

3. In the result, the application is allowed. The applicant is to be released on his furnishing P.R. & S. B. of Rs.15,000/-.

[T. V. NALAWADE, J.]

Dt.12/03/2015
ans/1038