

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 orders.	Office Coram, orders or Registrar's orders.	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 1133 OF 2015
IN APEAL/217/2015

SHAIKH MUJAHID SHAIKH GULAM AKABAR & ANR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.Chatterji Joydeep
APP for Respondent: Mr. R. P. Phatke.

CORAM: T. V. NALAWADE, J.
DATED: 13th MARCH, 2015.

PER COURT:

1. The application is filed for suspension of substantive sentence given in Sessions Case No.27 of 2013 by learned Sessions Judge, Latur. Both sides are heard.
2. The charge was framed against the Appellants for the offence punishable under Section 307 of I.P.C. and they are convicted and sentenced for offence under section 307 read with 34 of I.P.C. and maximum sentence of R.I. for 4 years is given and fine amount is also imposed. The Appellants assaulted by iron rod and

knife. One injury was found on neck. However, the evidence of the doctor shows that all the injuries were simple and no injury was dangerous to life. The trial Court has discussed the nature of dispute between the parties and there was dispute over landed property. Trial Court has held that there was probably exceeding of right of private defence by the applicants. In view of the nature of dispute and as the appellants were on bail during trial this Court holds that substantive sentence needs to be suspended.

3. In the result, application is allowed. Substantive sentence is suspended. Statement is made by learned counsel for the Applicants that entire fine amount has been deposited. There is such endorsement in the copy of the judgment also. The Appellants are to be released on bail on their furnishing P.R. and S.B. of Rs.15,000/- by each of them.

[T. V. NALAWADE, J.]

Dt.13/03/2015
ans/1133