

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,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 5771 OF 2014
IN APEAL/629/2014 WITH APEAL/629/2014

VIJAY S/O PANDHARINATH MAGAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Dhorde Vikram R .
APP for Respondent: Mr. K. S. Patil.

CORAM: T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED: 30th MARCH, 2015.

PER COURT:

1. The application is filed for suspension of substantive sentence and for bail. Heard both the sides.
2. The appellant is convicted and sentenced in Sessions Case No.4 of 2013 which was pending in the Court of learned Additional Sessions Judge, Kopergaon. Appellant is convicted and sentenced for offence punishable under section 302 of I.P.C. for murdering his wife. The murder was committed within 2-1/2 months of the marriage.

3. At the relevant time the appellant was proceeding with the deceased to native place on motorcycle. On the way, the murder of wife took place. He represented to others that some robbers had intercepted them to rob them, they had taken the deceased away to the field and they had tied his limbs and so he could not do anything.

4. This Court has gone through the P.M. report and medical evidence in respect of both the appellant and the deceased. As many as 23 injuries were found on the dead body. There was no rape but an attempt was to make a show of rape. On the other hand, there were three simple injuries like scratches over left arm flexor, left fore arm upper half of flexor and left forearm upper half flexor, of the appellant. The so called stolen property is recovered at the instance of the Applicant which includes the articles of M.S.R.T.C. The deceased was working with M.S.R.T.C. and she was carrying these articles at the relevant time. The death took place due to strangulation and there is evidence of aforesaid nature against the appellant. Evidence on motive is also given. The Appellant had suspicion about the character of the deceased. At the relevant time she was carrying,

though in P.M. report specific period is not mentioned.

5. The Appellant was not granted bail during trial. Now there is substantive evidence against him which is held to be sufficient by the trial Court. This Court holds that this not a fit case to suspend the substantive sentence.

6. In the result, the application is rejected.

7. The Appellant is interested in hearing of the appeal. The Sessions Court is hereby directed to expedite the paper book, within 45 days from today. The matter is to be listed after receipt of the paper book.

[SMT. I. K. JAIN, J.] [T. V. NALAWADE, J.]

Dt.30/03/2015
ans/5771