IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 203 OF 2015
in
CRIMINAL APPEAL NO. 200 OF 2015

1. Ravindra Vithhal Sable
2. Pandurang Ramchandra Lokhare... Applicants

vs.

The State of Maharashtra ... Respondents

Mr. Bhavesh Thakur i/b. Rahul Arote,Advocate for the applicants
Mr. S.S.Pednekar, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 26th February, 2015.

P.C.

Heard. This is an application under Section 389 of Cr.P.C. The applicants herein are convicted for the offence punishable under Section 498A read with Section 34 of Indian Penal Code and sentenced to suffer R.I. for two years and fine of Rs.1,000/- in default S.I. for two months. The applicant is also convicted for the offence punishable under Section 306 read with Sec. 34 of IPC and sentenced to suffer R.I. for five years and to pay fine of Rs.2000/- in default S.I. For three months in Sessions Case No.182/2013 by Addl. Sessions Judge, Pune, vide order dated 9.1.2015.

2. It is the case of the prosecution that the applicant herein was married to the present applicant on 24.5.2011. He was residing at Gagapur in a joint family. On 14.6.2012, she had immolated herself in her matrimonial house. She was admitted in the hospital. While she was taking her treatment, her statement was recorded by the police. She has stated in her dying declaration that she was residing with her parents since she was harassed in her matrimonial house. That her husband had illicit relations with the wife of his maternal cousin. That the maternal cousin of her husband was asking her to maintain illicit relations with him and therefore she was staying with her parents for about 9 months. The husband and the other members of the matrimonial family were insisting upon her to cohabit with her husband in her matrimonial house. Being fed up with the said harassment, she had immolated herself.

3. The sentence imposed upon the applicant is a short-term sentence. He has relied upon the case of **Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130** for seeking suspension of substantive sentence during the pendency of the appeal which cannot be heard at the earliest thereby causing the prayer to become infructuous.

4. The learned counsel for the applicant submits that the applicants were on bail during the pendency of the trial and have not committed breach of

any conditions imposed upon them and hence they are entitled to extension of the same relief during the pendency of the appeal.

5. Taking into consideration the evidence adduced by the prosecution and the submissions advanced across the bar, this Court is inclined to allow the application seeking suspension of substantive sentence.

O R D E R

(I) The application is allowed.

(ii) The substantive sentence imposed upon the applicants is hereby suspended. The applicants be enlarged on same bail, fresh bonds.

(iii) The applicants shall furnish fresh bonds within a period of four weeks from the date of this order, failing which the order granting bail stands cancelled.

(iv) The applicants shall report to the concerned Sessions Court once in six months on the date specified by the concerned Sessions Court. Upon failure to attend on two consecutive dates, the concerned Sessions Court shall inform he High Court forthwith and take appropriate action.

Application is disposed of on the above terms.

(SMT.SADHANA S.JADHAV, J.)