

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 398 OF 2016 IN
CRIMINAL APPEAL NO.12 OF 2016

Shivaji S/o Babarao Kure,
Age 33 years, Occu.: Supervisor
R/o Kawalgadda, Tq. Degloor,
District : Nanded

.. Applicant/
Appellant

Vs.

The State of Maharashtra
Through Police Inspector,
Police Station, Degloor
District : Nanded

.. Respondent

Mr. M.A. Tandale, Advocate for the applicant
Mr. R.V. Dasalkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 17/02/2016

ORAL ORDER :

Heard both sides.

2. The applicant, who has been convicted by the learned Additional Sessions Judge, Biloli vide judgment and order dated 25/11/2015 passed in Sessions Case No.64 of 2014, for the offence punishable under section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 5 years for the said offence, is praying for suspension of the substantive sentence during the pendency of the appeal and his release on bail.

3. Injury no.1 stated to have been caused to the victim was a contused lacerated wound on the left side of the neck measuring 15 cm X 3 cm X 3 cm, which according the Medical Officer may have been caused by a sharp object.

4. Learned Additional Sessions Judge, Biloli took into consideration all the overall facts and sentenced the present appellant to undergo rigorous imprisonment for 5 years.

5. Considering all the above facts and finding that short term sentence is awarded to the applicant/appellant, the substantive sentence is hereby suspended. The applicant be released on bail, upon his execution of P.R. bond in the sum of Rs.30,000/- (Rs. Thirty Thousand) and also upon furnishing surety in the like amount.

6. Hamdast granted. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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