

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1197 OF 2016
IN
CRIMINAL APPEAL NO. 94 OF 2016**

Manik Kashinath Karhale and Another ..APPLICANTS

VERSUS

State of Maharashtra ..RESPONDENT

....
Mr. R.S. Deshmukh, Advocate for applicants.
Mr. S.N. Morampalle, APP for respondent.
....

**CORAM : INDIRA K. JAIN, J.
DATED : 2nd APRIL, 2016**

ORDER :

. This is an application for suspension of substantive sentence of imprisonment passed on 09.02.2016 by learned Additional Sessions Judge, Basmath in S.T. No. 7/2011 convicting applicants for the offences punishable under Sections 307 and 498-A read with Section 34 of the Indian Penal Code and sentencing each of them to suffer rigorous imprisonment for five years and fine of Rs.500/- each for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and rigorous imprisonment for one year and fine of Rs.300/- each for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

2. Heard Mr. Deshmukh, learned Counsel for applicant and Mr. Morampalle, learned APP for respondent. Perused record.

3. Complainant Neelawati is the wife of Applicant No.1 and daughter-in-law of Applicant No.2. Marriage between Applicant No.1 and complainant was performed in 2006. Incident occurred on 20.08.2009. It is alleged that applicants were harassing complainant on illegal demand of money and forcibly administered poison and thereby attempted to commit her murder.

4. On the day of incident complainant was admitted to hospital. The evidence of Medical Officer shows that after examination, no poison was found. On 25.08.2009 complainant was discharged. She then lodged report on 01.09.2009. During trial applicants were on bail.

5. Considering the allegations made against the applicants, report of medical officer and the term of sentence imposed by Trial Court, this Court finds that substantive sentence of imprisonment needs to be suspended till decision of appeal. Hence the following order:

ORDER

I) Criminal Application No. 1197 of 2016 is allowed.

- II) Substantive sentence of imprisonment is suspended till the decision of appeal.
- III) Applicants are released on bail on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousands Only) each.
- IV) Bail before Trial Court.

(INDIRA K. JAIN, J.)