

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

**CRIMINAL APPLICATION NO. 5569 OF 2016
IN
CRIMINAL APPEAL NO. 572 OF 2016**

Chagan @ Rushi Rama Jadhav

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

...

Mr.Joydeep Chatterji, Advocate for applicant.

Mr. M.M. Nerlikar, APP for the Respondent/State.

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: October 5, 2016

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PER COURT :-

This application has been filed by the original accused No.3 viz. Chagan @ Rushi Rama Jadhav, seeking suspension of the sentence passed against him by the trial Court, as per the judgment and order dated 17th August, 2016, whereby he has been sentenced to suffer imprisonment for life and to pay fine of Rs. 5000/-, in default, to suffer simple imprisonment for six months,

for committing the offence punishable under Section 302 of the Indian Penal Code.

2. Heard the learned counsel appearing for the applicant and the learned A.P.P. appearing for the Respondent/State.

3. Perused the documents produced on record, and particularly, the evidence that has been recorded by the trial Court. There are four eye witnesses connecting the applicant with the murder of the deceased Ganesh Yeole. The learned trial Judge has evaluated the evidence of these eye witnesses coupled with the medical evidence and found that it is the applicant only, who committed murder of the deceased Ganesh.

4. Undisputedly, the applicant was behind the bars during the trial. In the circumstances, considering the gravity of the

offence established against the applicant and fact that he was behind the bars during the trial, we are not inclined to suspend the sentence passed against him. Hence the application stands rejected.

(SANGITRAO S. PATIL, J.)

(S.S. SHINDE, J.)

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