

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.112/2016
IN
CRIMINAL APPEAL NO.60/2016

Chandrashekhar s/o Vasudevrao Yengandhalwar
..Versus..

State of Maharashtra, through the P.S.O., P.S., Mul, Tah. Mul, Distt. Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 22.3.2016

Heard Shri S.G. Karmarkar, advocate for the appellant and
Shri K.R. Lule, A.P.P. for the respondent.

The appellant is convicted for the offence punishable under
Section 304-II of the Indian Penal Code and is sentenced to
undergo rigorous imprisonment for ten years and to pay fine of
Rs.1,000/- and in default of payment of fine to further undergo
simple imprisonment for 15 days.

The learned advocate for the appellant has submitted that
there are material inconsistencies in the evidence. It is submitted
that though the learned Additional Sessions Judge has recorded in
paragraph no.48 of the impugned judgment that other crimes are
registered against the appellant, the appellant has not been

convicted in any of the case. It is submitted that there is no chance that the appeal would be heard in near future. On the above submissions, learned advocate for the appellant prays that the sentence be suspended.

Shri K.R. Lule, learned A.P.P. has submitted that the learned Additional Sessions Judge has properly appreciated the evidence on the record and the findings recorded by the learned Additional Sessions Judge cannot be faulted with.

Considering the facts of the case, the nature of incident and the evidence on the record, I am not inclined to suspend the sentence. Application is **dismissed**.

JUDGE

Tambaskar.