

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1145 OF 2017
IN
CRIMINAL APPEAL NO.751 OF 2017**

Sachin Babasaheb Sawant ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....

Mr.Bhaskar J. Sarwade, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 29th September 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant on bail during pendency of the appeal filed by him. The applicant/accused is convicted of the offence punishable under Section 307 of the Indian Penal Code and he has been sentenced to suffer rigorous imprisonment for six years apart from directing him to pay fine of Rs.2000/- and in default to further undergo simple imprisonment for three months.

2 Heard the learned Advocate appearing for the applicant/accused, who submits that the applicant has undergone substantial part of imprisonment imposed on him.

3 The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and injuries were on vital part of the body.

4 I have carefully considered the submissions so advanced and perused the impugned Judgment and Order of conviction and consequent sentence of imprisonment, so also depositions of witnesses examined by the prosecution.

5 P.W.No.6 Siddharth is the victim of the crime in question. His evidence shows that the incident took place in a booze session, wherein after petty quarrel, the applicant/accused broke a bottle of cold-drink and gave blow of that broken bottle on neck and head of the victim. Perusal of evidence of Dr.Abhijeet Budhkar and medical certificate at Exh.27 shows that the injured had suffered contused lacerated wounds on neck and near pinna apart from abrasion on left occipital region.

6 Considering the nature of injuries suffered by the victim the only question to decide is whether the applicant/accused had attempted to commit a murder. The applicant has undergone substantial part of sentence imposed on him. Even otherwise, sentence imposed on the applicant is short sentence and there is no likelihood of hearing the appeal in near future. Therefore, the Order :

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one surety in like amount.
- (iii) As a condition of this Order, the applicant should not contact the victim of the crime in question and he should not indulge in commission of similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)