

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1664 OF 2017

IN

CRIMINAL APPEAL NO.1018 OF 2017

**1) RAJARAM @ ABASAHEB HANUMANT)
GHOLAVE
2) LAXMI HANUMANT GHOLAVE)...APPLICANTS**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Ujwal Agandsurve, Advocate for the Applicants.

Mr.V.V.Gangurde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th DECEMBER 2017

P.C. :

1 This an application for suspension of sentence and releasing applicants/accused nos.1 and 2 on bail during pendency of the appeal filed by them.

2 Heard the learned advocate appearing for applicants/accused. He argued that cross-examination of the

Investigator transpires that injured herself has caused burn injuries to her and therefore, the learned trial court erred in convicting applicants/accused of the offence punishable under Section 307 read with 34. He further argued that short sentence is imposed on applicants/accused and their appeal is not likely to come up for hearing even in near future.

3 The learned APP opposed the application by submitting that the statement of victim reveals that both applicants/accused set her on fire.

4 I have carefully considered the rival submissions and also perused the copies of deposition as well as the impugned judgment and order of conviction.

5 Applicants/accused are husband and mother-in-law of the injured. They are convicted of offences punishable under Sections 498A read with 34 and 307 read with 34 of the IPC. For the offence punishable under Section 498A read with 34 of the

IPC, both applicants/accused are sentenced to suffer rigorous imprisonment for 3 years apart from payment of fine of Rs.1,000/- and in default, to undergo rigorous imprisonment for 2 months. However, so far as the offence punishable under Section 307 read with 34 of the IPC is concerned, the applicant/accused no.1 is sentenced to suffer rigorous imprisonment for 5 years whereas the applicant/accused no.2 is sentenced to suffer rigorous imprisonment for 3 years.

6 Be that as it may, a short sentence of imprisonment is imposed on applicants/accused and the appeal filed by them is already admitted for final hearing. Evidence of the Investigator reflects that soon after the incident, the alleged victim of the crime in question had disclosed to the neighbours that she had herself caused burn injuries to her.

7 In this view of the matter, the following order :

ORDER

i) The application is allowed.

ii) Substantive sentence of imprisonment imposed on applicants/accused is suspended and applicants/accused are released on bail on their executing P.R.Bond in the sum of Rs.15,000/- each and on furnishing surety in like amount, by each of them.

iii) The application is disposed of.

(A. M. BADAR, J.)