

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

CRIMINAL APPLICATION [APPA] NO.553 OF 2017

IN

CRIMINAL APPEAL NO.335 OF 2017

[Dadarao Nandram Gajbe .vs. State of Maharashtra]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : OCTOBER 06, 2017.

Heard Shri C.R. Thakur, learned counsel for applicant-appellant and Shri N.H. Joshi, learned APP for respondent-State.

By this application, applicant is seeking suspension of substantive sentence of imprisonment imposed by the learned Ad-hoc Additional Judge-3, Nagpur vide judgment and order dated 29.6.2017.

Applicant-accused has been convicted of the offences punishable under sections 498-A and 306 of the Indian Penal Code. The maximum sentence of imprisonment imposed upon applicant is seven years.

Applicant is the husband of deceased Pushpalata. According to the prosecution, accused was addicted to liquor and he used to suspect the character of his wife. He was raising quarrels on demand of money for liquor. On 29.4.2016 in the morning, accused came under the influence of liquor and raised quarrel with his wife. He abused and beat her. His son who was present intervened and tried to rescue his mother. That time applicant

asked his wife to consume poison and die, so she consumed poison and died. It is the case of prosecution that accused used to ill-treat his wife and abetted commission of suicide by the deceased.

With the assistance of the learned counsel for the parties, perused the judgment and order passed by the trial court. It is not in dispute that marriage between accused and deceased took place before 22 years of the incident. The eldest daughter is 22 years old and son is 18 years old. Prosecution case rests on the oral evidence of son and other relatives of the deceased.

Considering the nature of offence, evidence adduced by the prosecution and the fact that applicant was on bail during trial, this court is inclined to suspend the substantive sentence of imprisonment. Hence, the following order :

ORDER

- (i) Criminal Application No.553/2017 is allowed.
- (ii) The execution of substantive sentence of imprisonment is suspended during pendency of appeal on applicant's furnishing PB & SB of Rs.15,000/- each to the satisfaction of the trial court.

JUDGE