

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

**CRIMINAL APPLICATION (APPA) NO.709 OF 2016**

**IN**

**CRIMINAL APPEAL NO.88 OF 2016**

**Babarao S/o Shankar Madavi**

**..VS..**

**The State of Maharashtra, through Police Station Officer, Ralegaon, Taluka**  
**Ralegaon, District Yavatmal**

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

Court's or Judge's Order

Shri M.P. Kariya, Counsel for the Applicant/Appellant.  
Shri A.V. Palshikar, Addl.P.P. for the Non-applicant/State.

**CORAM : P.N. DESHMUKH, J.**

**DATED : JANUARY 11, 2017.**

Heard learned counsel for applicant and  
learned Additional Public Prosecutor for the non-  
applicant/State.

This application is filed for suspension of  
substantive sentence imposed upon the applicant.

Learned counsel for the applicant has  
contended that applicant was on bail pending trial and  
has paid fine of Rs.5,000/- and has submitted that  
application be allowed as there is no possibility of  
appeal being heard in the near future.

The applicant is found convicted for the

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offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of 4 years and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for 6 months.

It appears to be the case of prosecution that applicant and injured Madhukar Shankar Madavi, complainant are real brothers residing in neighbourhood. On 18.8.2012 when complainant was talking with his wife inside the house on certain domestic issue, wife of applicant mistakenly thought that she is being abused and thus quarrel took place between wife of complainant and applicant's wife. On noting these female quarreling, complainant told his wife to go to house when all of a sudden applicant arrived with knife and committed assault on his chest due to which he fell down. As per injury report and evidence of Dr. Prasanna Phadke, injured was found to have sustained two stab injuries on his chest and one incised wound on his left palm. The complainant was indoor patient for three days and was discharged from the Government Hospital on 21.8.2012.

In view of facts as aforesaid and since applicant was on bail pending trial while it is no case of prosecution that applicant while on bail had misused

liberty granted to him, application is liable to be allowed as per order below:

**ORDER**

1. Substantive sentence imposed upon applicant stands suspended.
2. Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
3. While on bail, applicant shall mark his presence with Ralegaon Police Station, District Yavatmal once in six months, pending appeal.
4. The criminal application is disposed of accordingly.

**JUDGE**

!! BRW !!

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**C E R T I F I C A T E**

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.  
(Personal Assistant)

Uploaded on :- 12/1/2017

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