

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

CRIMINAL APPLICATION [APPA] NO.820 OF 2016

IN

CRIMINAL APPEAL NO.465 OF 2016

[Dinesh Khumraj Katre .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

Shri C.F. Bhagwani, Advocate for Applicant-Appellant,
Shri R.S. Nayak, APP for respondent-State.

CORAM : KUM. INDIRA JAIN, J.

DATED : APRIL 05, 2017.

Heard Shri Bhagwani, learned counsel for applicant-appellant and Shri Nayak, learned Additional Public Prosecutor for respondent-State.

By this application under section 389 of the Code of Criminal Procedure, applicant-original accused no.1 is seeking suspension of sentence of imprisonment passed vide judgment and order dated 18.8.2016 by the learned Additional Sessions Judge, Gondia in Sessions Trial No.16/2010.

Applicant has been convicted of the offences punishable under sections 498-A and 304-B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and fine of Rs.2,000/-, in-default to suffer simple imprisonment for one month for the offence punishable under section 498-A of the Indian Penal Code and rigorous imprisonment for seven years for the offence punishable under Section 304 (B) of the Indian Penal Code.

On perusal of evidence of complainant, it can be seen that his daughter Lekeshwari was married to applicant in the year 2006. Incident occurred on 12.12.2009. Lekeshwari was found dead in the house of applicant-accused. The cause of death appears to be head injury.

So far as demand is concerned, submission is that Lekeshwari was being harassed on demand of Rs.50,000/-. FIR lodged by father is silent on the said demand. Witnesses examined by prosecution on alleged demand of dowry are father, mother and brother of the deceased.

During trial, applicant was on bail. He has not jumped the conditions of bail. He is permanent resident of Sonekhari, Tahsil-Amgaon, District-Gondia and there is no likelihood of his fleeing from justice.

In the above background, this court finds it appropriate to suspend the substantive sentence of imprisonment and release the applicant on bail. Hence, the following order :

- (i) Criminal Application [APPA] No.820 of 2016 is allowed.
- (ii) During pendency of appeal, applicant is released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (iii) Bail before the trial court. Hamdast allowed.

CRIMINAL APPEAL NO.465 OF 2016

Heard.

Admit.

Call R & P.

Learned APP Shri Nayak waives notice for
respondent-State.

JUDGE

Gulande