

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

CRIMINAL APPLICATION (APPA) NO.80/2018

IN

CRIMINAL APPEAL NO.50/2018

Ravindra Tejram Parshuramkar

..vs..

State of Mah., thr. its PSO Navegaon Bandh, Taluka Moregaon Arjuni, District
Gondia

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

Court's or Judge's Order

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Shri Shashikant Borkar, Counsel for the applicant/appellant.

Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 8, 2018.

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. This appeal was admitted on 31.1.2018 and consideration of the present application for bail was deferred by the Court, till receipt of record and proceedings.
3. The record and proceedings are received.
4. I have heard learned counsel Shri Shashikant Borkar for the applicant/appellant and learned Additional Public Prosecutor Shri Amit Madiwale for the State.
5. The applicant/appellant is convicted by learned Additional Sessions Judge at Gondia on 15.1.2018 in Sessions Trial

.....2/-

Case No.35/2015.

6. The applicant/appellant is convicted for the offences punishable under Sections 498A and 306 of the Indian Penal Code. On account of his conviction for the offence punishable under Section 498A of the Indian Penal Code, the applicant/appellant stands sentenced for rigorous imprisonment for 2 years and to pay a fine of Rs.1000/- and, in default of payment of fine amount, simple imprisonment for 1 month.

7. On account of conviction for the offence punishable under Section 306 of the Indian Penal Code, the applicant/appellant is directed that he shall suffer rigorous imprisonment for 5 years and to pay a fine of Rs.2000/- and, in default of payment of fine amount, simple imprisonment for 2 months.

8. Learned counsel Shri Shashikant Borkar for the applicant/appellant submits that there is a delay in lodging the First Information Report (FIR). Even at the time of funeral of the deceased, no complaint was made by her close relatives and subsequently after 5 days' the FIR was lodged. He submits that the deceased was suffering from '*Migraine*' and, therefore, she has committed suicide.

9. Neighbour PW10 Vjay Kapgate has turned hostile. However, in the cross-examination made by the APP, it is brought on record that there used to be quarrels in between the deceased and the applicant/appellant.

10. PW11 is one Mulchand Gutpa. Though this witness has also turned hostile, from the evidence of this witness it is clear that there exists dispute between the deceased and the applicant/appellant and it was referred for resolution to a Committee. It is also established on record that the deceased was required to file proceedings against the applicant/appellant under the Domestic Violence Act.

11. The date of marriage is 3.4.2012 and she committed suicide by hanging herself on 11.11.2014. Thus, unnatural death occurred within a period of 7 years from the marriage. Further, it is specific defence of the applicant/appellant that the deceased was suffering from '*Migraine*'. The applicant/appellant has failed to substantiate the said aspect by placing any evidence about the treatment which the deceased used to take for the said treatment.

12. The evidence of the prosecution witness shows that there was a live-link between the torture committed to the deceased and the commission of suicide.

13. Learned Judge of the Court below, in my view, has considered all aspects correctly. Therefore, merely because the applicant/appellant was on bail during the course of the Trial, that by itself is not sufficient to release him on bail.

14. Hence, the criminal application stands rejected and disposed of accordingly.

JUDGE

!! BRW !!