

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.196/2018 IN CRIMINAL APPEAL NO. 129/2018

(RAJANNA PARVATALU ANMULA & ANOTHER **VERSUS** THE STATE OF MAHARASHTRA, THR. PSO
SUB-PS SIRONCHA, GADCHIROLI)

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

Court's or Judge's orders

Shri A.C. Jaltare, counsel for the applicants-appellants.
Shri A.M. Joshi, A.P.P. for the non-applicant/respondent.

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : APRIL 11, 2018.

Heard.

By this application, the applicants seek the suspension of sentence under the provisions of Section 389 of the Code of Criminal Procedure.

We have perused the judgment of the trial Court and have also perused the evidence tendered by the prosecution witnesses. Some other documents are also perused. The applicants have been sentenced to suffer life imprisonment in view of the offence punishable under the provisions of Section 307 of the Penal Code. On a reading of the evidence of PW1-Victim, it appears that he had suffered only one axe blow and he has deposed in his examination-in-chief that the said blow was inflicted by Guraiyya who has expired at the time of incident, on the spot. On a perusal of the evidence, it *prima-facie* appears that the trial Court has not considered this aspect of the matter in the right perspective before convicting the applicants for the offence punishable under section 307 of the Penal Code. It further appears that the applicants were on bail during the pendency of the trial. In the circumstances of the case, the prayer made in the application needs to be granted.

Hence, the prayer made in the application is granted and the execution of the sentence is suspended. The applicants may be released on bail on the same terms and conditions on which they were released during the pendency of the trial.

The criminal application stands disposed of accordingly.

JUDGE

JUDGE

APTE