

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 363 OF 2019
IN
CRIMINAL APPEAL NO. 396 of 2019

1 Narendra Sakharam Jadhav.

2 Sakharam Mahadu Jadhav.

3 Godabai @ Yashoda Sakharam Jadhav.

4 Manjula Hari Gaikwad. ..Applicants.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Abhishek Avachat a/w. Mr. Aniket Velsarkar a/w. Mr. D.D. Deshmukh
for applicants.

Ms. Pallavi N. Dabholkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 25, 2019.

P. C. :

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 389 of the Code of
Criminal Procedure, 1973 seeking suspension of sentence imposed
upon the applicants. The applicants herein are convicted for the offence
punishable under section 498A read with section 34 of the Indian Penal
Code and sentenced to suffer R.I. for 3 years and to pay fine of Rs.
5,000/- I.d. to suffer further R.I. for one month. The applicant No. 1 is

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also convicted for the offence punishable under section 306 of the Indian Penal Code by the Additional Sessions Judge, Nashik vide Judgment and Order dated 22/2/2019 in Sessions Case No. 34 of 2018.

3 Perused the record and proceedings. It appears from the record that Hemlata had immolated herself while she was residing with her parents. On 18/6/2017 the applicants herein had been to the house of P.W. 1 who happens to be the father of Hemlata. They had halted there for a day. On the next day, the applicants and his 2 children aged about 14 years and 12 years had left the house of P.W. 1. There was quarrel between the couple. The record would indicate that the applicant No. 1 was having illicit relation with another woman and he had told her that he does not need her any more. The record would also indicate that in the year 2015, Hemlata was suffering from symptoms of schizophrenia and was under the treatment of Dr. Dhake as well as Dr. Sule who happened to be psychiatrist. It prima facie appears that Hemlata receded in the depression and therefore, she has committed suicide.

4 It is in these circumstances that the substantive sentence imposed upon the applicant deserves to be suspended during the pendency of the appeal. Moreover, the applicant was on bail during the

pendency of the trial and has not committed breach of any condition imposed upon him. Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended. The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/-each and one or more solvent sureties in the like amount.
- (iii) Upon being enlarged on bail, the applicants shall report to the Court of Sessions, Nashik once in six months on the date assigned by the Court of Sessions, Nashik. Upon failure to attend any two consecutive dates, the Sessions Court, Nashik shall make report to the High Court and the prosecution is at liberty to move for cancellation of bail.
- (iv) It is made clear that suspension of substantive sentence does not amount to suspension of conviction.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]