

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

CRIMINAL APPLICATION (APPA) NO.782/2019

IN

CRIMINAL APPEAL NO.594/2019

Shri Indrajit Janardhan Tajne and ors

..vs..

State of Mah., thr. PSO Washim City, Tahsil and District Washim

.....
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 P.M.Pande, Counsel for Applicants.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : OCTOBER 18, 2019.

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri P.M.Pande for applicants.
3. By judgment and order of conviction dated 6.8.2019 passed by learned Sessions Judge, Washim in Sessions Trial No.66/2015, applicants are convicted for offence punishable under Section 307 read with Section 34 of the Indian Penal Code and they are directed to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.500/- and in default of payment of the fine amount to suffer rigorous imprisonment for 3 months.
4. During the pendency of the Trial, after initial police custody remand, applicants were released on bail and

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throughout the Trial they were on bail and at no point of time they misused the liberty granted to them in their favour, is the submission of learned counsel Shri P.M.Pande for applicants.

5. In this case, the prosecution examined Dr.Naresh Udgire (PW4). His evidence shows that though he noticed deep incised wound, as mentioned at Exhibit 54 on person of injured Manoj Mahurle, no X-Ray or C.T.Scan was taken and his evidence shows that without there being any C.T.Scan Report he could not say injury is grievous one.

6. In view of the nature of medical evidence, in my view, second thought is necessary to the judgment and order of conviction impugned in the present matter coupled with a fact that applicants were on bail during the course of the Trial.

7. In view of the aforesaid, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) The substantive jail sentence imposed upon applicants by judgment and order of conviction dated 6.8.2019 passed by learned Sessions Judge, Washim in Sessions Trial No.66/2015 stands suspended during the pendency of the present appeal.

(c) Applicants be released on bail on they executing a P.R.Bond in the sum of Rs.10,000/- by each of them with

one solvent surety of the like amount by each of them.

(d) The Bail Bonds to be executed before learned Judge of the Court below.

(e) Applicants are directed to attend Washim City Police Station, Tahsil and District Washim once in 3 months during the pendency of the appeal.

(f) Applicants are directed to remain personally present before this Court at the time of final hearing of the present appeal.

(g) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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