

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

CRIMINAL APPLICATION (APPA) NO.1139 OF 2018

IN

CRIMINAL APPEAL NO. 719 OF 2018

(Sanjay s/o Haridas Gawrane and another ..vs.. State of Maharashtra, through PSO, PS Lohara)

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

Court's or Judge's orders

Shri Vivek Awchat, Counsel for the appellants,
Shri N.B. Jawade, Addl.P.P. for the respondent/State.

CORAM : ROHIT B. DEO, J.

DATED : 06-06-2019

In the unfortunate incident which took place on 27-6-2016 a woman lost her life. Her husband and son were injured.

2. Perusal of the evidence of the three eyewitnesses, which include PW 1-who is the daughter of the deceased and PW 2 and PW 4-who are the injured would reveal that the present applicants-appellants have played no role in the deadly assault on the deceased. The only role which is assigned to the applicants-appellants is that they assaulted the injured by fists and kicks. The injuries suffered by the survivors are, however, inflicted by Gajanan-who is convicted of murdering the mother of PW 1 and PW 2 Durga.

3. Considering the evidence on record, I am inclined to exercise discretion in favour of the appellants and to

suspend the sentence.

4. The sentence is suspended and the appellants may be released on bail, subject to their furnishing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) and one solvent surety of the like amount, each.

5. The appellants shall not enter the territorial jurisdiction of village Lohara, Tahsil and District Yavatmal till this appeal is finally decided, unless they are permitted to do so by the trial Court for just and exceptional reasons.

6. The appellants shall attend every date of hearing of the appeal.

7. The application is disposed of accordingly.

JUDGE

adgokar