

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

CRIMINAL APPLICATION (APPA) NO.153 OF 2020

IN

CRIMINAL APPEAL NO.124 OF 2020

(Abhijit @ Shakal Ravindra Bodhankar ..vs.. State of Maharashtra, through PSO, PS Gadge Nagar,
Amravati)

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

Court's or Judge's orders

Shri P.V. Navlani, Counsel for the appellant,
Shri S.S. Doifode, Addl.P.P. for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 06-03-2020

The applicant/appellant is convicted for offence punishable under Section 307 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for five years.

2. Primarily two submissions are canvassed for suspension of sentence. The first submission is that taking the entire prosecution case at face value, no offence punishable under Section 307 of the Indian Penal Code is made out. The learned Counsel Shri P.V. Navlani would emphasize that the appellant did not come prepared armed with weapon. Even according to the prosecution, there was a scuffle and a spade which was lying on the construction site was picked up and used as a weapon. The other submission is on the basis of the medical evidence on record. It is further pointed out that the appellant was on bail during the course of the

trial and that there is no complaint that the liberty is misused.

3. The appellant is 23 years old and has no criminal antecedent. The possibility that the appellant shall not be available to face the trial is remote. Whether the solitary blow was struck with the intention of causing death or with the knowledge that by such act death would ensue, is the question which shall have to be addressed and revisited in this appeal.

4. Considering the material on record holistically, I am inclined to suspend the substantive sentence till decision of the appeal, subject to the appellant depositing the fine, if not already paid.

5. The application is allowed.

6. The appellant shall be released on bail on furnishing personal bond of Rs.20,000/- with a solvent surety of like amount.

JUDGE

adgokar