

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.83 OF 2021
IN APPEAL/17/2021 WITH APPEAL/17/2021**

**SHAKUNTALA NARAYAN SIRSAT AND
HANUMAN NARAYAN SIRSAT
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Salunke Sudarshan J.
APP for Respondent/State: Mr. P.G. Borade
...

CORAM : MANGESH S. PATIL, J.

DATE : 20.01.2021

PER COURT :

In this Appeal against conviction, the applicant who happens to be the mother-in-law of the deceased has been convicted for the offences punishable under Sections 306, 498-A and 504 and sentenced to suffer rigorous imprisonment for 2 years, 1 year and 1 year respectively with fine, whereas, the husband has been convicted for the offence punishable under Section 498-A and is sentenced to suffer rigorous imprisonment for 1 year and fine. By way of this Application under Section 389 of the Code of Criminal Procedure prayer is made for suspending the substantive sentence.

2. It is necessary to note that offence has been registered on the basis of a Dying Declaration of the deceased (Exhibit-46). After going through the contents of this Dying Declaration which forms the basis for the

conviction and considering the amount of sentence awarded when the applicants were already on bail during the trial, the substantive sentence deserves to be suspended.

3. The Application is allowed. The substantive sentence stand suspended during pendency of the Appeal. They shall be released on bail on the same terms and conditions on executing fresh bond before the trial court.

(MANGESH S. PATIL, J.)

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