

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1527 OF 2021
IN
CRIMINAL APPEAL NO. 142 OF 2021**

Shaji Vasu	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. M.G. Shukla for the Applicant.
Mrs. P.P. Shinde , APP for the Respondent/State.

**CORAM : NITIN JAMDAR AND
C.V. BHADANG, JJ.**

DATE : 27 JULY 2021

P.C.

. This is an application for suspension of sentence and release of the Applicant on bail. The Applicant is the original accused No.1. The Applicant alongwith the co-accused Santosh were tried for the offence punishable under Section 302, 325, 201 a/w Section 34 of IPC and Section 7 read with Section 25(1)(a) of the Arms Act on the allegations of having intentionally caused the death of one Revy and Chandran. The learned Sessions Judge by the impugned Judgment and Order dated 9 August 2019 in Sessions Case No. 17 of 2017 has found the Applicant guilty of the offence and he has been sentenced to undergo imprisonment

for life and other sentences which are directed to run concurrently.

2. We have heard the learned counsel for the Applicant and the learned APP. Perused record.

3. The Applicant and the co-accused as well as the deceased were working as labourers and at the relevant time were engaged in the work of cutting of bamboos and were working with one Mahadeo Mallappa Naik, PW-6.

4. The incident in question is alleged to have happened on 19 January 2017 at about 8.00 p.m. near the hut in the land where the Applicant and others were working. At that time, the Applicant is alleged to have asked the deceased Revy as to why he (Revy) had asked the Applicant's wife about a sexual relationship. Upon such inquiry, a quarrel and scuffle ensued between the Applicant and Revy in which deceased Chandran made an attempt to intervene. It is alleged that the Applicant assaulted Revy with a sickle on his forehead and throat. When PW-8 Gopalan and deceased Chandran went to intervene, the Applicant also assaulted the deceased Chandran and PW-8 Gopalan. PW-8 Gopalan apprehending danger, fled in the forest, where he spent the night and on the following morning informed

about the incident to one Mohan and PW-6 Mahadeo, on whose complaint the offence was registered.

5. The prosecution examined witnesses including PW-8 Gopalan, who is an eye witness to the incident. We have gone through the evidence of Gopalan, who has stated that he has stated about the assault by the Applicant on Revy as well as Chandran resulting into their death. The learned counsel for the Applicant submitted that evidence of the witnesses is improbable and suffers from infirmity. He had also raised certain contentions about the recovery of the weapon. *Prima facie*, at this stage we find that there is an eye witness account showing the involvement of the present Applicant in the incident where two persons have lost their lives.

6. The Applicant was in custody during the course of the trial. In our considered view, this is not a fit case for suspension of sentence. In the result, the application stands rejected.

(C.V. BHADANG, J.)

(NITIN JAMDAR, J.)