

Neeta S.
Sawant

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**Interim Application No. 580 / 2020
in
Criminal Appeal No. 185 / 2020**

Sawan Sing Sajwan

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Akhilesh Singh, Advocate for the Applicant.

Smt. Sharmila Kaushik, APP for State/ Respondent.

Mr. V.V. Mosamkar, A.P.I., Kapurbawdi Police Station, Thane City.

CORAM : SANDEEP K. SHINDE J.

DATE : 22nd FEBRUARY, 2021.

P.C. :-

1. It is an application under Section 389 (2) of the Code of Criminal Procedure, 1973, seeking suspension of substantive sentence of seven years rigorous imprisonment imposed on the applicant by the learned Additional Sessions Judge, Thane in Sessions Case No. 200 / 2017.

2. Applicant has undergone the sentence for a period of one year and five months. Learned Counsel for applicant submits that appeal is not likely to be heard in the reasonable period and would also submit that there are vital contradiction and omission in the evidence of prosecution witnesses. On this ground, he seeks suspension of sentence.

3. I have perused the evidence of injured PW-2 and of Dr. Pradeep Tripathi PW-4. Complainant is obviously a eye-witness, who had suffered following three injuries as deposed by Dr. Tripathi;

- (i) One stab injury on the left side of abdomen of size 1 c.m. x 0.5 c.m. and intestine had come out from the wound.
- (ii) Other stab injury on the left side of chest of size 1 c.m. x 0.5 c.m. muscle deep.
- (iii) Stab injury on the left arm 1 c.m. x 0.5 c.m. muscle deep.

4. In view of the evidence aforesaid, I am not inclined to suspend the sentence. However, if the appeal is not heard within a year i.e. by end of March, 2022, applicant may renew his request for suspension of sentence and his enlargement on bail.

5. Application is disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)