

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2097 OF 2021
IN
CRIMINAL APPEAL NO. 485 OF 2017

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Pravin Vasant Rao Thakare

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Aniket Vagal for the Applicant.

Mrs. M.M. Deshmukh, APP for the Respondent/State.

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

DATE : 31 AUGUST 2021

P.C.

. By this application, the Applicant (accused No.1) is seeking an order of suspension of sentence and for release on bail.

2. The Applicant along with co-accused Amol Karanjule was tried for the offence punishable under Section 302 and 201 of IPC for having intentionally caused the death of his wife Roshni. The learned Sessions Judge, Pune by a Judgment and Order dated 20 February 2016 in Sessions Case No. 56 of 2013 has convicted the Applicant under both the sections. The Applicant has been sentenced to suffer imprisonment for life and to pay a

fine of Rs.5,000/- and in default to suffer rigorous imprisonment for six months under Section 302 of IPC . The Applicant has been further sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.2,000/- and in default to suffer rigorous imprisonment for two months for the offence punishable under Section 201 of IPC. The co-accused Amol Karanjule has been acquitted of the charge.

3. The prosecution case is that the Applicant got married to Roshni and they were blessed with a child. The Applicant was earlier residing at Vapi (Gujarat) where the Applicant got acquainted with PW-3 Priyanka Muknak, her brother Prakash Muknak and other family members. Subsequently, the Applicant shifted to village Tamhane Vasti, Pune and called the family members of Priyanka Muknak on the assurance of providing a job to her brother Prashant Muknak. Further, according to the prosecution, the deceased Roshni was doing a job in a private company and minor son of the Applicant and Roshni was being looked after by Priyanka Muknak in the absence of the deceased. The Applicant, who was doing job of a painter used to be at home, whenever he was unable to get work. Further, according to the prosecution, the Applicant developed intimacy with Priyanka Muknak and they had illicit relations which were noticed by the deceased.

4. On 25 September 2012, the deceased found the Applicant and Priyanka cosying with each other, upon which a quarrel ensued in which the Applicant is alleged to have assaulted the deceased and strangled her to death.

5. We have heard the learned counsel for the Applicant and the learned APP. With the assistance of the learned counsel for the parties, we have gone through the record.

6. Upon hearing the learned counsel for the parties and perusal of the record, we find that the deceased had met with homicidal/unnatural death at her matrimonial house where she was residing along with her husband i.e. the Applicant. The medical evidence shows that there were as many as 26 injuries on the person of the deceased including contusions and abrasions which includes nail marks. The cause of death is shown to be manual strangulation with multiple contusions (unnatural). *Prima facie*, it appears that according to the prosecution, the deceased had found the Applicant and Priyanka Muknak together after which a quarrel ensued between Applicant and the deceased. The learned APP pointed out that the Applicant ought to have explained the circumstances leading to the death of his wife as required under Section 106 of the Indian Evidence Act.

7. We have carefully considered the circumstances and the submissions made. This is not a stage to examine or appreciate

the evidence in details. Suffice it to mention that the deceased is shown to have met unnatural/homicidal death on account of manual strangulation with multiple injuries on her person in her matrimonial house where she was residing with the Applicant. The prosecution has also shown motive for the commission of the offence. The Applicant was in custody during the trial. The Applicant has not offered to give any explanation as to the circumstances leading to the death of his wife. Thus, having regard to the submission made on behalf of the prosecution, based on Section 106 of Indian Evidence Act, we do not find that this is a fit case for exercise of discretion.

8. In the result, the Criminal Application is hereby dismissed.

(C.V. BHADANG, J.)

(NITIN JAMDAR, J.)