

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

**34 CRIMINAL APPLICATION NO.598 OF 2022
IN
CRIMINAL APPEAL NO.107 OF 2021**

Sahebrao Pralhad Ingole
Age-55 years, Occupation-Agriculture,
R/o. Pimpalgaon (Dola),
Tq. Kallam, Dist. Osmanabad

(At present in Aurangabad Central Prison,
Aurangabad) .. Applicant
(Original Accused No.5)

VERSUS

The State of Maharashtra
Through Police Officer,
Kallam Police Station,
Tq. Kallam, Dist. Osmanabad .. Respondent

...
Advocate for Applicant: Mr. Pratap B. Vikhe-Patil
h/f. Mr. Sudarshan J. Salunke
APP for Respondent: Ms. R. P. Gour

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**CORAM: SMT. SADHANA S. JADHAV &
S. G. DIGE, JJ.**

DATE: 14th MARCH, 2022

PER COURT:

1. This is a subsequent application seeking suspension of substantive sentence on account of medical grounds. The earlier application filed by the applicant was dismissed on merits. It is the contention of the learned Counsel for the

applicant that the applicant was arrested in Crime No.25 of 2017 registered at Kallam Police Station for the offence punishable U/Sec.302, 363, 364 read with Section 34 of the Indian Penal Code. The date of conviction of the applicant is 23.10.2021. It is the contention of the learned Counsel for the applicant that the applicant had suffered paralytic attack while he was undergoing sentence in Aurangabad Central Prison. The patient was admitted as an indoor patient in the Medical College and Hospital, Aurangabad (Ghati) on 09/10.01.2022. He was re-admitted to the hospital on 11.01.2022 and was treated as indoor patient for 4 to 5 days. He was again re-admitted on 31.01.2022 but certain medical tests could not be performed. In view of the order passed by this Court on 26.02.2022, the learned A.P.P. has placed on record the Medical Reports of the applicant. The clinical diagnosis is as follows-

"10) CLINICAL DIAGNOSIS:

Bells Palsy with CVA with Right Hemiparesis with Right facial palsy with Tinea Cruris & Corporis"

2. Certain tests are not available at Medcial College and Hospital, Aurangabad (Ghati). It is a pathetic situation that the Medical College and Hospital, Aurangabad (Ghati) has reported that certain pathological tests cannot be conducted since the Laboratory Technician is not available. The final opinion of the Medical Officer is as follows-

"As disease is related to Neuro / Brain, he can go in danger in future & his life can be stopped due to seriousness of disease, he is not in good condition. His condition is serious."

3. The Medical Reports are taken on record and marked as Article "X" for the purpose of identification.

4. In view of this opinion and the sad state of affairs at the Medical College and Hospital, Aurangabad (Ghati) the prayer for release deserves to be considered sympathetically. The application seeking suspension of sentence is allowed on medical grounds, however it is made clear that the applicant shall submit his Medical Report after

every 4 weeks and the said Report will be verified and certified by the Civil Surgeon, Osmanabad after every 4 weeks for the next 6 months and the said Report shall be further submitted to the Registrar (Judicial) of this Bench. The substantive sentence is suspended only on medical grounds. This Court has not gone into the merits of the matter. Hence the following order-

ORDER

[I] The application seeking suspension of substantive sentence is allowed on medical grounds.

[II] The applicant be enlarged on bail on furnishing P.R. Bond in sum of Rs.50,000/- (Rs. Fifty Thousand only) with one or more solvent sureties in the like amount.

[III] The applicant shall file duly verified and certified copies of his medical report to the Registrar (Judicial) after every four (04) weeks which would fall for consideration before this Court.

5. The Criminal Application is disposed of.

[S. G. DIGE, J.]
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[SMT. SADHANA S. JADHAV, J.]