

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

**CRIMINAL APPLICATION NO.631 OF 2020
IN APEAL/183/2020 WITH APEAL/183/2020 WITH
APEAL/186/2020**

**KISHOR S/O. MURLIDHAR BACHKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. V. Kurundkar, Advocate for the applicant
Mr. P. G. Borade, APP for the respondent/STate

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.
DATED : 8th DECEMBER, 2022**

PER COURT :-

1. Heard.

2. Learned counsel for the applicant submits that the medical evidence on record suggest that even the injuries on the person of the deceased are possible to have caused during resistance by accused and which supports the case of the defence that there is a possibility of the incident in question having caused due to an attempt made by the deceased to kill accused.

3. Leaned APP opposed the said submission and pointed out that deceased died of due to asphyxia due to throttling and admittedly except for the accused no one else was present in the house.

4. At this stage consideration of material evidence on record shows that deceased died in matrimonial home due to throttling. Apparently, the injuries seen on the person of accused are of not such a nature that they can be termed to be injuries caused during resistance made to deceased, while she was trying to kill him.

5. Considering the material on record, at this stage we are not inclined to suspend the substantiate sentence of the accused. Hence this application stands dismissed.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

ssp