

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

**CRIMINAL APPLICATION NO.3706 OF 2022 IN
CRIMINAL APPEAL NO.842 OF 2022**

Vilas s/o Guruba Pandhavle & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. P.P. More, Advocate holding for
Mr. S.A. Ambad, Advocate for applicants
Mr. S.P. Sonpawale, A.P.P. for respondent No.1 - State
Ms Sarita Gaikwad, Advocate for respondent No.2 (appointed)
.....

**CORAM : R. G. AVACHAT, AND
 R. M. JOSHI, JJ.**

DATED : 5th DECEMBER, 2022.

PER COURT :

Heard. Prima facie perusal of the record shows that, the learned trial Court has imposed life imprisonment for the offence punishable under Section 326 of the Indian Penal Code, as the victim belongs to Scheduled Castes community. The sentence imposed is not minimum sentence as prescribed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Having regard to the nature of incident and the injury caused to the victim, we are of the view that the

sentence of life imprisonment is apparently excessive. Hence, it is a fit case wherein the substantive sentence imposed against the applicants need to be suspended. Hence the order :

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the substantive sentences of imprisonment imposed against the applicants, by learned Additional Sessions Judge, Ambajogai, by judgment and order dated 19/10/2022, passed in Attro. Special Case No.10/2015 to stand suspended and the applicants be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount. Bail before the trial Court.

(iii) Fee of learned Advocate Ms Sarita Gaikwad, who was appointed for respondent No.2, is quantified at Rs.3000/- (Rupees three thousand).

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

fmp/-