

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3388 OF 2019

IN

CRIMINAL APPEAL NO. 475 OF 2016

WITH

CRIMINAL APPEAL NO.359 OF 2017

WITH

CRIMINAL APPEAL NO. 475 OF 2016

WITH

CRIMINAL APPEAL NO. 490 OF 2016

Ishwar S/o. Khandu Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Ms. Sangita Sambre, Advocate h/f Mr. V.R. Dhorde,
Advocate for the Applicant.

Mr. R.B. Bagul, APP, for the Respondent – State.

Mr. Joslyn Menezes, Advocate h/f. Mr. P.S. Paranjape,
Advocate for Appellant.

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CORAM : R.G. AVACHAT &
R.M. JOSHI, JJ

DATE : DECEMBER 02, 2022.

PER COURT :

1. Heard.

2. This is an application for temporary
suspension of execution of substantive sentence of
imprisonment on health reasons.

3. Learned APP and learned Advocate appearing for

complainant has strong reservations to allow the application. According to learned APP, it was brutal murder and applicant and co-accused had come together. The applicant had instigated the co-convicts to commit the murder of deceased. He would further submit that the earlier medical report indicates that health condition of the accused is somewhat serious compared to the present one. The jail authorities had taken due care by extending him necessary treatment. He, therefore, urged for rejection of the application.

4. Medical status report of the applicant reads thus:

At present the said convict prisoner is haemodynamically unstable and is in needs of extra care taker for daily routine work

5. The report is conspicuously silent to state that all the necessary care is being taken in the jail.

6. In view of the present medical status of the applicant, we are inclined to grant suspension of execution of his further sentence of imprisonment for a period of one year from the date of his release. Hence, we pass following order:

O R D E R

- A. Criminal application is allowed in terms of prayer 'C'.
- B. Pending the appeal, the substantive sentence of imprisonment imposed by the trial Court is suspended for a period of one year from the date of his release. The applicant be released on bail on his executing P.R. bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- C. After the period is over, the applicant shall surrender before the jail authorities.
- D. Bail before the trial Court.

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)

Malani