

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL REVISION NO.23/2022

Ramesh s/o Tulshiram Sonwane

...Versus...

The State of Maharashtra, through Police Station Officer, Chimur, Tq. Chimur,
Distt. Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mrs. Kirti Kapse (Satpute), Advocate for applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/02/2022

1. Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard Mrs. Kirti Satpute, learned Counsel for the applicant, who submits that the judgment of the learned Magistrate, acquitting the applicant, has been set aside by the learned Sessions Court by the impugned judgment, on the basis of the sole testimony of the complainant, who has not seen the applicant assaulting him, as the complainant himself contends that he was assaulted from behind by means of axe. She submits that all the other so-called eyewitnesses have been declared hostile and the Medical Officer is also not able to opine as to whether the axe was having blood stains, or whether the injuries were possible in a road-traffic accident or

fall from a height and therefore, the conviction is based upon conjectures and surmises, considering which, issue notice to the respondent, returnable in two weeks.

3. Shri I.J. Damle, learned Additional Public Prosecutor waives service of notice for the respondent sole.

4. Call for R & P

CRIMINAL APPLICATION (APPR) NO.18/2022

1. This criminal application seeks suspension of sentence.

2. Considering the grounds raised in the application, the sentence imposed upon the applicant by the learned Sessions Court by the judgment dated 30/12/2021 shall stand suspended during the pendency of the criminal revision and the applicant be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- and a solvent surety of like amount to the satisfaction of the learned Magistrate. The fine amount of Rs.5,000/- be deposited by 08/02/2022 in the Trial Court.

3. The Criminal application is accordingly disposed of.

4. Steno copy of this order is granted.