

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

CRIMINAL APPLICATION (APPA) NO.250 OF 2022
IN
CRIMINAL APPEAL NO.202 OF 2022

(Sanjay s/o Bhaurao Nishanrao (In Jail) Vs. State of Maharashtra, thr. PSO PS
Murtizapur, Tq. Murtizapur, Dist. Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. S. Londhe, Advocate for Applicant.
Mr. T. A. Mirza, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATE: 5th SEPTEMBER, 2022.

This application is preferred under Section 389 of the Criminal Procedure Code (Code) for suspension of sentence.

2. The applicant – accused is convicted for offence punishable under Section 302 of the Indian Penal Code (IPC) and is sentenced to suffer rigorous imprisonment for life. The allegation which is held proved by the trial Court is that on 28.08.2017 the accused repeatedly stabbed his wife Mrs. Rajeshri with scissor.

3. We have perused the evidence on record, and while considering the application seeking suspension of sentence, elaborate or minute consideration of the evidence would not be necessary, we are satisfied that the applicant

has not made out case for suspension of sentence.

4. The assault is brutal. PW-3 Mrs. Sarsawatibai is the material witness who saw the accused coming out of his residence with clothes soaked in blood. Mrs. Saraswatibai has withstood the test of cross-examination. We cannot be oblivious of the settled principle that the presumption of innocence does not enure after conviction.

5. We do not find any exceptional case made out for suspending the sentence.

6. The application is rejected.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

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