

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO.1188 OF 2023
IN APPEAL/359/2023

VIJAY KISHAN DHILLOD

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.E. Siddiqui, Advocate for applicant

Mr. A.M. Phule, APP for respondent

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CORAM : SMT. VIBHA KANKANWADI
S.G. CHAPALGAONKAR, JJ.

DATE : 27th JUNE, 2023

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for suspension of sentence. The present appellant stood convicted for the offence punishable under Section 302 of the Indian Penal Code by learned Sessions Judge, Jalna on 05.12.2022 in Sessions Case No.47/2022. He has been sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.5,000/-, in default to suffer rigorous imprisonment for three months.

2 Heard learned Advocate Mr. S.E. Siddiqui for the applicant and learned APP Mr. A.M. Phule for respondent. With the able assistance of both sides we have gone through the evidence which was before the learned Trial Judge.

3 The deceased was mother of wife of accused. PW 1 is the informant – wife of the accused. No doubt, she is not the eye witness to the incident, but she says that she was informed by her son Yash that the accused has committed murder of her mother. PW 2 Yash is the eye witness and he has stated that his father was insisting to the grandmother that she should sent daughter i.e. PW 1 with him, to which the grandmother refused. No doubt, there appears to be dispute between the husband and wife, but then PW 2 Yash says that accused attacked on the grandmother. He took wooden plank and hit grandmother and then he took knife and then as he got frightened that the father would kill him, he left the spot and ran towards mother. PW 3 Dr. Raju Jadhav is the autopsy surgeon, who had stated that there was crush injury on left parietal region, CLW over right parietal region, stab wound over right side of forehead and depressed fracture to the skull and, therefore, it is opined by him that the cause of death is - “*due to haemorrhagic shock due to head injury*”, which corroborates the prosecution story that it is the homicidal death. Thereafter, testimony of PW 6 Vijay

Sadawarte would show that the present appellant had given discovery memorandum and then discovered a tile. There is also evidence in the form of CCTV, however, it is not directly catching the picture of assault. What we found is that there is material against the present appellant and he was not on bail throughout the trial, therefore, this is not a fit case where the appellant should be released on bail by suspending his sentence. Application stands rejected.

(S.G. Chapalgaonkar, J.)

(Smt. Vibha Kankanwadi, J.)

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