

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

**CRIMINAL APPLICATION NO.1339 OF 2023
IN APEAL/347/2019 WITH APEAL/347/2019**

**BHATU HIRAMAN KHANJOLKAR (BARI)
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Rajesh H Mewara, Advocate for applicant
Mr. R. D. Sanap, APP for respondent - State

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**CORAM : SMT VIBHA KANKANWADI AND
Y. G. KHOBRAGADE, JJ.**

DATE : 26.04.2023.

PER COURT :-

Issue notice to the respondent. Learned APP waives
for the respondent – State.

2. This is practically 4th application for suspension of
sentence. When the matter was on the board on the first occasion
on 31.07.2019, this Court has taken into the fact that nobody was
present for the applicants. Note was taken of the order dated
04.07.2019 and it was observed that the applicants are not

interested in prosecuting the matter and therefore the application was rejected. Thereafter, it appears that again similar application for suspension of sentence was filed and by order dated 24.09.2021, it came to be rejected. By order dated 16.06.2022, the appeal was placed on weekly board commencing from 25.07.2022 and therefore the 3rd application for suspension of sentence was disposed of.

3. Now, the learned Advocate for the applicant says that the 3rd application i.e. Criminal Application No. 1634 of 2022 was not for suspension of sentence, but for fixing early date of hearing. Be that as it may, it was disposed of. Even then this would be the practically 3rd application.

4. The present applicant has been held guilty for committing offence under Sections 364A, 120B of the Indian Penal Code and has been sentenced to suffer imprisonment for life in respect of both the offences. The allegation is that the accused Nos. 1 to 6 in furtherance of their common intention had kidnapped a 12 years old boy for the ransom of Rs.50,00,000/- (Rupees Fifty Lakh). Therefore, taking into consideration the evidence, we do not find it to be a fit case where the discretion should be exercised in favour of the applicant. This

Court is presently dealing with the jail appeals of the year 2016 and there huge pendency. But that cannot be a point in favour of the applicant, taking into consideration the evidence.

5. The application, therefore, stands rejected.

[Y. G. KHOBRADE, J.]

[SMT. VIBHA KANKANWADI, J.]

SMS