

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

**CRIMINAL APPLICATION NO.1662 OF 2023
IN
CRIMINAL APPEAL NO.377 OF 2023**

Shrikishan Ranoji Ghode
Versus
The State of Maharashtra

Mr.S.K.Chavan, Advocate for applicant
Mr.K.N.Lokhande, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : MAY 03, 2023**

ORDER :-

Heard.

2. This is an application for suspension of substantive of sentence of imprisonment of seven years.

3. Learned APP has strongly objected to allow the application. According to him, the offence is serious one. The testimony of the daughter of the victim reinforces the prosecution case, besides the medical evidence.

4. Pending trial, the applicant was on bail. The sentence of seven years is considered to be a short term sentence. The appeal being of this year is not likely to have its turn for hearing in the immediate future.

5. According to learned counsel for the applicant, no independent witness from the nearby has been examined. He further submits that due to local political rivalry, the victim was made to lodge a false FIR. The applicant resides opposite the house of the victim.

6. The victim is mother of three children. On the previous day, she had quarrel with the applicant. The testimony of the daughter of the victim also indicates that both victim and the wife of the applicant would serve at one and the same place. There used to be quarrel between the two. The medical evidence is hazy. It neither supports the prosecution nor the defence. Although the victim was medically examined within hours of the alleged incident and samples were obtained for chemical analysis, the C.A. report appears to have not supported the prosecution. As such, it is the case based on testimony of the victim and her daughter.

7. Considering the above facts and that it being a short-term sentence and the appeal is not likely to come up for hearing in the near future, during pendency of the appeal, the substantive sentence of imprisonment to stand suspended. The applicant be

released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

8. The application stands disposed of.

[R.G. AVACHAT, J.]

KBP