

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 CRIMINAL APPLICATION NO.2486 OF 2023
IN APPEAL/663/2023

NAGORAO SARJERAO PAWAR

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. G.V. Wani, Advocate for applicant

Mr. S.D. Ghayal, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI
ABHAY S. WAGHWASE, JJ.

DATE : 28th AUGUST, 2023

ORDER :

1 Present application is filed for suspension of substantive sentence imposed upon the applicant by learned Sessions Judge, Jalna, Dist. Jalna in Sessions Case No.167/2022 on 23.03.2023. The applicant/appellant held guilty of committing offence punishable under Section 302 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for life and pay fine of Rs.5,000/-, in default to suffer rigorous imprisonment for three months.

2 Heard learned Advocate Mr. G.V. Wani for the applicant and learned APP Mr. S.D. Ghayal for the respondent and with their able assistance we have gone through the paper book.

3 The charge against the present appellant is that he has committed murder of his father-in-law Muktiram Abaji Ingole around 2.00 p.m. at Ashti, Tq. Partur, Dist. Jalna on 20.05.2022. The record shows that prosecution has examined in all 9 witnesses to bring home the guilt of the accused. The Postmortem Report Exh.30 shows that there were about 15 external injuries and there were corresponding internal injuries. Muktiram expired on 25.05.2022 around 9.30 hours and the probable cause of death is "death due to multiple injuries". PW 1 Ayodhya is the wife of present appellant. She is the eye witness to the incident. No doubt, it appears that around the date of incident she was not residing with the husband/accused and then it is said that applicant was insisting her that she should accompany her on the said date also. He made the said insistence when she as well as Muktiram had gone to Ashti. The father objected on the ground that the applicant is addicted to liquor, he assaults and harasses the informant and, therefore, father told the accused that he should bring his parents, then only he would think of sending the informant along with applicant, but at that time the appellant took out the sickle which he had brought concealing in his

shirt and then gave multiple blows. It appears that there were eye witnesses, who were the passersby. PW 5 Krishna Thorat is one of them. Even PW 8 PSI Mr. Bhimrao Sakharam Jadhav, who was proceeding from Mondha towards Ashti Police Station, had seen the accused assaulting deceased with sickle. The place of incident is near the Police Station. Thus, there appears to be prima facie evidence against the present applicant. Therefore, this is not a fit case where his sentence should be suspended. Application stands rejected.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

agd