

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3413 OF 2023
IN CRIMINAL APPEAL NO. 828 OF 2023

1. Rajkumar Ramdas Bhagat,
Age : 32 years, Occ. : Agriculture,
2. Suratbai @ Sarswati Ramdas Bhagat,
Age : 58 years, Occ. : Agriculture,

Both R/o. : Dhokrai, Tq. Shrigonda,
Dist. Ahmednagar

... Applicants
(Ori. Accused Nos.1 & 3)

VERSUS

1. The State of Maharashtra **... Respondent**

...
Mr. N.B. Narwade – Advocate for Applicants
Mr. R.B. Bagul – APP for Respondent, State

....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 4th October, 2023

ORDER :

1. The applicants who are original accused Nos.1 and 3 in Sessions Case No.221 of 2019 (Old Sessions Case No.58/2016) are seeking suspension of their substantive sentences of imprisonment imposed upon them in the aforesaid case by the learned Additional Sessions Judge, Shrigonda, Dist. Ahmednagar (hereinafter referred to as “*learned Sessions Court*”) under judgment and order dated 30th August, 2023 and their release on bail during the pendency of

this appeal.

2. Learned Counsel for the applicants – accused submits that, though the deceased Sudeshna i.e. wife of applicant No.1 – Rajkumar committed suicide but not because of the alleged ill-treatment at the hands of applicants and other accused persons but she was short tempered. Further, it is submitted by the learned Counsel for the applicants that P.W. - 4 i.e. the neighbour of the applicants in cross-examination has given vital admissions indicating that, there was no ill-treatment at the hands of applicants to the deceased.

3. On the contrary, learned A.P.P. strongly opposed the application on the ground that, there was series of incidents of ill-treatment given to the deceased by the applicants. Moreover, two independent witnesses namely P.W. - 4 and P.W. - 5 have deposed about the incidents of ill-treatment to the deceased. Moreover, the suicide note found with the deceased at the time of committing suicide was also found to be written in her handwriting. As such, he opposed for the suspension as claimed since the concerned Additional Sessions Judge has convicted the applicants after considering the entire material on record.

4. Heard rival submissions and also perused the documents on record. Admittedly, deceased Sudeshna i.e. wife of Rajkumar has committed suicide by coming under train. Further, there are two independent witnesses i.e. P.W. - 4, Mahadev Nana Bhosale who is neighbour of applicants and P.W. - 5, Smt. Varsharani Bapu Bhapkar who is friend of the deceased. Though P.W. - 4 has given admissions in his cross-examination contrary to the prosecution story, but in the chief itself he supported the story of prosecution. Moreover, P.W. - 5 who is the friend and classmate of deceased Sudeshna has specifically deposed about continuous ill-treatment suffered by the deceased at the hands of applicants and other accused persons. Even the last incidence of alleged ill-treatment is proximate to her commission of suicide. Moreover, the suicide note found with the deceased also appears to be written by her which has been established by the expert witness i.e. P.W. - 8, Vinodkumar Meshram. As such, considering *prima-facie* material against these applicants, I am not inclined to suspend their substantive sentence of imprisonment. As such, the application stands rejected.

[SANDIPKUMAR C. MORE]
JUDGE