

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

**CRIMINAL APPLICATION NO.3112 OF 2021
IN APEAL/41/2022**

**HIRASINH @ UMESHsinh ANKUSHsinh THAKUR
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Vilas P. Savant, Advocate for Applicant (appointed through Legal Aid Committee)
Mr. R. D. Sanap, APP for Respondent – State
...

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

DATED : 05 JANUARY 2023

PER COURT :

1. Present application has been filed for suspension of sentence. The applicant is original accused No.1, who faced the trial in Sessions Case No. 74 of 2016 for the offences punishable under sections 498-A, 323, 302, 504 and 506 read with section 34 of Indian Penal Code.

2. The learned Additional Sessions Judge, Nanded has held the applicant guilty for committing the offence punishable under sections 302 and 498-A of Indian penal Code and he has been sentenced thus : -

“1. The accused No.1 – Hirasinh @ Umeshsinh Ankushsinh Thakur is held guilty u/s 235 (2) of Cr. P. C. of the offence punishable u/s 302 of Indian Penal Code and sentenced to suffer Rigorous Imprisonment for life and to pay a fine of Rs.5,000/- (Rupees five thousand only) I/d to suffer R.I. for one year.

2. *The accused No.1 – Hirasinh @ Umeshsinh Ankushsinh Thakur is further held guilty u/s 235 (2) of Cr. P. C. of the offence punishable u/s 498-A of Indian Penal Code and sentenced to suffer Rigorous Imprisonment for Three years and to pay a fine of Rs.5,000/- (Rupees Five Thousand Only) I/d to suffer R.I. for six months.”*

3. Heard both sides.

4. With the able assistance of both the sides, we have perused the evidence. Though certain witnesses have turned hostile, the fact remains that the deceased was wife of present applicant and they were residing together in rented premises. The incident stated to have taken place at 6:30 a.m. on 05.02.2016 in the rented house and the weapon used is wooden stick.

5. Perusal of the post mortem report would show that there were 8 injuries on the person of the deceased and there appears to be the blow on the head. The reasoned Judgment and order has been passed. The applicant was not released on bail throughout the trial. Under such circumstance, no case is made out to suspend the sentence.

6. The application stands rejected.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)