

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 785 OF 2023
IN
INTERIM APPLICATION NO. 3300 OF 2021**

Bhausahab Murlidhar Jadhav ...Applicant
vs.
State of Maharashtra ...Respondent

**ALONGWITH
CRIMINAL APPEAL NO. 1049 OF 2021**

Bhausahab Murlidhar Jadhav ...Appellant
vs.
State of Maharashtra and Anr. ...Respondents

Ms. Vilasini Balsubramanian i/by Mr. J. D. Mane - Advocate for
the Applicant-Appellant

Mr. S. R. Agarkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 06th DECEMBER, 2023

P. C. :-

1. Heard learned Advocate for the Applicant-accused-Appellant.
2. He was convicted by the Court of the Additional Sessions Judge, Solapur for the offence punishable under Sections 326 of the Indian Penal Code. His appeal is admitted. Whereas, he is acquitted for the offence punishable under Section 307 of the Indian Penal Code. By suspending the sentence, this Court on

22/02/2022 was pleased to direct the Appellant to stay out of village Kurul till further orders. Applicant wants the relaxation of this condition.

3. Learned APP has prayed that Complainant needs to be heard as he was heard at the time of suspension of the sentence. It is true that hearing the complainant in such case is mandate of the law. This Court can also understand that at the time of suspension, he was heard. However, I am inclined to decide this application only on hearing learned APP.

4. The order is passed on 22/02/2022 and this application is moved after one year that is 22/02/2023. This is pending for more than one year. Applicant claims that he is only member in the family who is agriculturist and crops have dried for want of attention. Photograph is on page no. 17.

5. As on today, learned APP is not having instructions that Applicant has misused liberty or breached order. Hence case for relaxation is made out. Even if there is change in circumstance, the prosecution or Complainant are always at liberty to move the Court.

6. In view of that following order is passed:-

ORDER

(a) Condition No. (vi) "The Applicant shall stay out of Village Kurul, till further orders" as per

order dated 22/02/2022 is cancelled.

7. Interim application No. 785 of 2023 is disposed of.

[S. M. MODAK, J.]