



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.488 OF 2023 IN
CRIMINAL APPEAL NO.302 OF 2023

Gajanan Laxman Mule Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for applicant.
Shri J.Y. Ghurde, APP for non-applicant/State.

CORAM : VINAY JOSHI &
M.W. CHANDWANI JJ.
DATE : OCTOBER 25, 2023.

Heard.

2. This is an application seeking suspension of execution of sentence passed in Sessions Trial No.21/2020 by the Additional Sessions Judge, Mehkar, District Buldhana on 10.02.2023, whereby the applicant was convicted for the offence punishable under Section 364A read with Section 34 of the Indian Penal Code and sentenced to suffer imprisonment for life alongwith fine.

3. It is the prosecution's case that the informant's father Suresh was abducted by the accused and two others. The victim was kept in confinement and the informant was asked to pay ransom otherwise the victim would be killed. Learned counsel for the applicant would submit that the informant himself has not supported the prosecution case as during cross-examination he admits that no such incident occurred. It is particularly submitted that though the victim

gave evidence about confinement however there is no material to infer that the confinement was for ransom.

4. Learned APP opposed the application.

5. We have been taken through the evidence of all witnesses. The informant Rahul Pagare, who is son of victim, has initially stated about abduction and monetary demand by a phone call from one Ramesh Jadhao. Though the informant has denied occurrence during cross-examination however we have gone through the other evidence particularly on the point of demand of ransom. In this regard, Ramesh Jadhao, who is a crucial witness, has not supported the prosecution case. Though there was telephonic conversation of demand however there is no material to that effect. It reveals that one pendrive about audio clip was seized however the prosecution has not pointed out about the contents of conversation. Besides that, the other witnesses in whose presence the victim was abducted have turned hostile.

6. The applicant is behind bars for four years. The appeal will take its own time for disposal in accordance with law. From the aforesaid circumstances, we deem it fit to suspend the execution of substantive sentence. In view of that, the criminal application is allowed and disposed of.

7. The execution and implementation of substantive sentence passed in Sessions Case No.21/2020 by the

Additional Sessions Judge, Mehkar, District Buldhana on 10.02.2023 against **applicant – Gajanan Laxman Mule** shall stand suspended till final disposal of appeal.

8. In the meantime, the applicant – Gajanan Laxman Mule shall be released on bail on his furnishing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

Wagh