



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

CRIMINAL APPLICATION [APPA] NO. 715/2023
IN CRIMINAL APPEAL NO. 454/2023.

Arvind Pralhad Pachpor.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M. Daga, Advocate for the
Applicant/Appellant.
Shri J.Y. Gurde, A.P.P. for the Respondent/State.

CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.

DATE : OCTOBER 27, 2023.

Heard.

2. By this application, the applicant/
appellant seeks for suspension of execution
of sentenced passed by the Additional
Sessions Judge, Khamgaon, District
Buldhana in Sessions Trial No.71/2014 on
15.02.2023, by which the applicant/
accused Arvind came to be convicted for the
offence punishable under Section 307 of the
Indian Penal Code and sentenced to suffer

life imprisonment.

3. It is prosecution case that on the date of occurrence both husband and wife were proceeding on road, when a tractor driven by the applicant/Arvind gave dash, causing them serious injuries. It is alleged that at the relevant time accused no.2 - Pralhad [deceased] and the applicant Arvind were proceeding by Tractor. Pralhad instigated Arvind to run over tractor on the victims and thus, it is a case of attempt to commit murder.

4. We have gone through the evidence of both the injured, who have stated about the occurrence and sustaining injuries by dash of tractor. It is victim's contention that soon before the dash, Pralhad instigated Arvind to run over the tractor. Rather by accepting this statement, the trial Court convicted the applicant by holding that it is a case of attempt to commit murder.

5. The learned Counsel appearing for

the applicant has pointed out the variance in the statement of both the victims where the first one stated that the tractor was proceeding from their back side, while the other said that the tractor was stationary, but, after seeing the victim started to proceed. It is argued that hearing of conversation by the victims is difficult to accept. The injuries were majorly at the leg of the victims. Certainly an arguable case is made out to decide whether the applicant possess requisite intention and knowledge, or it is a case of pure accident.

6. It is stated that during trial the applicant was on bail. In view of above, a case for suspension of sentence is made out. Hence, the application is allowed and following order is passed.

7. The execution of the substantive sentence passed by the Additional Sessions Judge, Khamgaon, District Buldhana in Sessions Trial No.71/2014 on 15.02.2023 is hereby suspended till the final disposal of

the appeal, so far as the applicant is concerned.

8. In the meanwhile the applicant Arvind Pralhad Pachpor be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

9. Criminal Application is accordingly allowed and disposed of.

JUDGE

JUDGE