



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 1199 OF 2023
IN
CRIMINAL APPEAL NO. 745 OF 2023

Subhash s/o Dnyandev Ugle
Vs.
State of Maharashtra, Thru. PSO, PS Chikhli, District – Buldhana

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

Court's or Judge's Orders.

Mr. V.B. Gawali, Advocate for appellant.
Mr. A.R. Chutake, APP for respondent.

CORAM : VRUSHALI V. JOSHI, J.

DATE : NOVEMBER 24, 2023.

Heard.

2. The appellant has filed this application for suspension of sentence. The accused is convicted for the offences punishable under Section 306 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/- in default of fine, sentenced to suffer rigorous imprisonment for six months. The accused is also convicted for the offence punishable under Section 498-A of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay

fine of Rs.1,000/- in default of fine to suffer one month rigorous imprisonment.

3. Learned counsel for appellant has stated that the imprisonment is for five years, the allegations are made against accused No.2, who is no more. The trial against accused No.2 is abated. There are no allegations against accused No.1. He is the husband of the deceased. The accused is having three children. The son of the accused/appellant No.1 is in hospital, he is the only person who is looking after his children. Hence, prayed for suspension of sentence. As the appellant has challenged the order of the trial Court before this Court and after going through the evidence of PW (1), the mother of the deceased, it appears that the allegations were against the accused No.2, who is no more. Considering the allegations against the accused, the sentence is suspended, hence, the following order:

ORDER

(i) Appellant – Subhash s/o Dnyandev Ugle in Crime No.481 of 2018 registered with Police Chikhli, District – Buldhana, for the offences under Sections 306 and 498-A read with Section 34 of the Indian Penal Code, shall be

released on bail on his furnishing PR bond in sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount before the trial Court.

(iii) The appellant shall not tamper in any manner with the prosecution evidence.

(iv) The appellant shall not pressurize or threaten the prosecution witnesses.

(v) The appellant shall co-operate the investigation officer.

(vi) The applicant shall not contact the complainant or any other witnesses.

4. The application stands disposed of accordingly.

5. Hamdast granted.

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Issue notice to the respondent, returnable after three weeks.

2. Mr.A.R. Chutke, learned APP waives service of notice on behalf of respondent/State.

(MRS. VRUSHALI V. JOSHI, J.)