



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

**915 CRIMINAL APPLICATION NO. 190 OF 2023
IN APEAL/92/2023**

Ravindra Narayan Tale

VERSUS

The State Of Maharashtra

...

Mr. Sudarshan J. Salunke - Advocate for Applicant

Mrs. Uma S. Bhosale - APP for Respondents

...

**WITH
CRIMINAL APPEAL NO. 92 OF 2023**

...

CORAM : R. G. AVACHAT

AND

NEERAJ P DHOTE, JJ.

DATED : 08TH FEBRUARY, 2024

PER COURT : -

1. By way of the present application, the Applicant prays for suspension of substantive sentence awarded to him by the learned Additional Sessions Judge, Hingoli District, Hingoli, vide Judgment and Order dated 22.03.2022 passed in Sessions Trial No. 54/2016, convicting him for the offence punishable under Section 302 of the Indian Penal Code and sentencing to suffer imprisonment for life and pay fine of Rs. 5,000/-, in default, to suffer rigorous imprisonment for six months.

2. Heard learned advocate for the Applicant and the APP.
Perused the record.

3. Admittedly, the case is based on dying declaration of deceased. There are three dying declarations. The dying declaration which is first in point of time speaks of accidental death when deceased was making tea on Hearth. The history given at the time of her admission also speak of burn due to kerosene explosion two hour back. The death is after a period of 21 days and the cause of death is 'Sepsis due to superficial to deep burn'. There is no possibility that the appeal would come up for final hearing in the near future. The Applicant/Appellant is behind the bars for more than seven and half years. In this view of the matter, we are inclined to allow the application. Hence, the following order : -

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence awarded to the applicant by the learned Additional Sessions Judge, Hingoli District, Hingoli, vide Judgment and Order dated 22.03.2022 passed in Sessions Trial No. 54/2016, convicting him for the offence punishable under Section 302 of the Indian Penal Code and sentencing to suffer imprisonment for life and pay fine of Rs. 5,000/-, in default, suffer rigorous imprisonment for six months, is suspended during the pendency of the Appeal.
- (iii) The Applicant be released on bail on his furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only).

- (iv) Bail before the Trial Court.
- (v) The Applicant shall not change his residential address without intimation to the concerned Police Station.

4. Criminal Application is accordingly disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde