



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 278 OF 2024
IN CRIMINAL APPEAL NO. 14 OF 2024

Ganpat @ Ganesh Parbhakar Kirtane

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....
Mr. Chaitanya Deshpande h/f Mr. S. S. Palnitkar, Adv. for Applicant
Ms. U. S. Bhosle, APP for Respondent – State

.....
**CORAM : R.G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 22.03.2024

PER COURT :

1. This is an Application for suspension of substantive sentence imposed upon the Applicant by the learned Additional Sessions Judge, Basmathnagar, in Sessions Case No.14/2018 vide Judgment and Order dated 10/01/2023, thereby convicting him for the offence punishable under Sections 302 of the Indian Penal Code and sentencing him to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default, to suffer rigorous imprisonment for two months.

2. Heard the learned Advocate for the Applicant / Appellant and the learned APP for Respondent – State. Perused the evidence available on record.

3. The case of Prosecution in brief is that, the Applicant as well as the deceased were in relation with one lady. The deceased used to beat the lady and therefore, the terms between the Applicant and deceased were strained. On the day of incident, the deceased

went to the house of the Applicant to question regarding Applicant's relation with the said lady. The quarrel took place between the Applicant and deceased. The said lady was present there. The quarrel resulted in assault by the Applicant on the deceased with the knife on stomach. The deceased suffered one injury to which he succumbed. The Applicant is behind the bars for more than six years. The Appeal would not come up for hearing in near future.

4. Considering the above evidence available on record, we proceed to pass the following order:

ORDER

- (i) The Criminal Application is allowed.
- (ii) The substantive sentence imposed by the learned Additional Sessions Judge, Basmathnagar, vide Judgment and Order dated 10/01/2023 on the Applicant / Appellant, namely, Ganpat @ Ganesh Parbhakar Kirtane, is suspended during the pendency of the present Appeal.
- (iii) The Applicant / Appellant be released on bail on furnishing P.R. Bond of Rs.15000/- [Rupees Fifteen Thousand Only] with one surety in the like amount.
- (iv) Bail before the Trial Court.

7. Criminal Application stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]