

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

906 CRIMINAL APPLICATION NO. 355 OF 2024
IN APEAL/99/2024

1. Gangadhar Iranna Karne,
2. Hanmanallu Iranna Karne,
3. Rekhabai @ Renukabai Hanmanallu KarneApplicants

Versus

The State of MaharashtraRespondent

Advocate for Applicants : Shri. Aditya N. Sikchi
Addl. P P for Respondent / State : Shri. S. D. Ghayal

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

Dated : February 23, 2024

PER COURT :-

1. Learned Advocate for the Applicants / Appellants, on instructions, submits that he is not pressing the Application for Applicants No. 1 and 2 and seeks liberty to file the Application to their extent afresh.

2. Liberty granted. Application to the extent of Applicants No. 1 and 2 stands disposed of as not pressed with liberty as prayed for.

3. This is the Application for suspension of sentence awarded by learned Additional Sessions Judge, Biloli, Dist. Nanded in Sessions Case No. 52/2020 vide Judgment and Order dated 01.11.2023 thereby convicting Applicants for the offence punishable under Section 302 r/w.

Section 34 of the Indian Penal Code and sentencing them to suffer Life Imprisonment and to pay fine of Rs.50,000/- each, in default of payment of fine, to undergo Rigorous Imprisonment for the period of Six (06) Months.

4. We have heard the learned Advocate for the Applicant No.3 / Appellant No.3 and the learned Addl. P. P. for the State. Perused the papers on record.

5. It is the Prosecution's case that out of the property dispute the deceased and the injured eye witnesses had gone to the landed property which was in the possession of the Appellants. Quarrel took place between them which resulted in assault by the Applicants / Appellants. It is not disputed that the role attributed to the Applicant No. 3 - Rekhabai @ Renukabei Hanmanallu Karne is the assault by use of stick. It is also not disputed that she was on bail for last one year before conclusion of the Trial. She is the woman. Considering these aspects, the following order is passed.

ORDER

(i) The Application to the extent of Applicant No. 3 - Rekhabai @ Renukabei Hanmanallu Karne is allowed.

(ii) The substantive sentence imposed by the learned Additional

Sessions Judge, Biloli, Dist. Nanded in Sessions Case No. 52/2020 vide Judgment and Order dated 01.11.2023 on the Applicant No. 3 - Rekhabai @ Renukabei Hanmanallu Karne, is suspended during the pendency of the present Appeal.

(iii) Applicant No. 3 - Rekhabai @ Renukabei Hanmanallu Karne be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only), with one surety in the like amount.

(iv) Bail before the Trial Court.

6. Criminal Application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP