



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

**CRIMINAL APPLICATION NO.453 OF 2023
IN
CRIMINAL APPEAL NO.89 OF 2023**

(Moinoddin Yousufkhan Pathan
VS.
The State of Maharashtra)

Mr.S.J.Salunke, Advocate for applicant
Mr.S.D.Ghayal, Addl. Public Prosecutor for respondent

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : APRIL 08, 2024**

ORDER :-

Heard learned counsel for the applicant and learned APP for the respondent. Perused the papers.

2. This is an application for suspension of substantive sentence of imprisonment imposed against the applicant/appellant, vide the judgment and order dated 26.12.2022, passed by learned Addl. Sessions Judge-2, Parbhani, in Sessions Case No.82 of 2023, for the offence punishable under Section 302 of Indian Penal Code.

3. The case of prosecution is that the applicant has killed his step-father due to property dispute. The incident occurred at the applicant's home. The applicant assaulted his step-father with knife.

The medical evidence shows that there were four stab injuries on the vital part of body of the deceased and the cause of death is due to stabbing injury to chest and abdomen. Due to hue and cry in the home, the step-brothers (son of deceased) of appellant and their wives came and saw the applicant with blood-stained knife. The applicant's clothes and knife were found to be stained with blood of the blood-group of the deceased. The incident is of the recent past, i.e., 02.05.2020. With this material available on record, we are not inclined to suspend the substantive sentence and proceed to pass the following order.

4. The application stands rejected.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP