



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 526 OF 2024
IN
CRIMINAL APPEAL NO. 319 OF 2023

Rajaram Hanmant Patil

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. N.S. Ghanekar, Advocate for applicant

Mr. S.D. Ghayal, Add.P.P. for respondent - State

....

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

DATE : 13th MARCH, 2024

PER COURT :

1. This is an application by accused/Convict No.1 for suspension of substantive sentence imposed by Additional Sessions Judge, Udgir vide judgment and order dated 10th March, 2023 in Sessions Case No. 22 of 2017.

2. Heard learned counsel for the applicant and learned Add.P.P. for State. Perused the relevant evidence on record.

3. It is the case of prosecution that due to assault by co-accused/Convict Nos.2 and 3, the informant's father viz. Govind Patil died. The informant, who is also an eye witness, is examined as Prosecution

Witness No.1. In his evidence he attributed the role of instigation to the present applicant that he asked the co-accused to get the stick, which was used in assault by the co-accused. However, the same is not corroborated by his previous statement i.e. F.I.R. Except this, there is no other evidence against the applicant.

4. The applicant is seventy four years of age. He was on bail during trial. In this view of the matter, we proceed to pass the following order :-

ORDER

(I) Criminal application is allowed.

(II) Substantive sentence of imprisonment of the applicant imposed by Additional Sessions Judge, Udgir vide judgment and order dated 10th March, 2023 in Sessions Case No. 22 of 2017 is hereby suspended.

(III) During pendency of the appeal, the applicant be released on his furnishing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD