



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1494 OF 2024
IN
CRIMINAL APPEAL NO. 334 OF 2024

Jyoti Vishnu Shinde

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.J. Salunke, Advocate for applicant

Ms. V.S. Chaudhary, A.P.P. for respondent - State

....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 18th APRIL, 2024

PER COURT :

1. This is an application for suspension of substantive sentence of imprisonment imposed by Additional Sessions Judge, Ambajogai vide judgment and order dated 21st March, 2024 in Sessions Case No. 69 of 2017 thereby convicting the applicant for the offence punishable under Section 302 of the Indian Penal Code.

2. Learned counsel for the applicant submitted that the deceased is her mother-in-law. The applicant is a lady. There was no intention to kill her mother-in-law. He submits that during trial the applicant was on bail. He, therefore, urged for allowing the application.

3. Present application has been vehemently opposed by learned A.P.P. She submits that the act of pouring boiling oil itself shows intention to kill. She submits that the deceased suffered 59% burns, and therefore, application may not be allowed.

4. There is no dispute that the applicant is the daughter-in-law of the deceased. Case of the prosecution is that the applicant poured hot oil on the deceased. The death is due to septicemia due to scalds. The victim died on the sixth day of the incident. The applicant is a lady. She has a seven years old child. Whether pouring of boiling oil would amount to an intention to kill or not would be seen at the time of in depth appreciation of the evidence. The applicant was on bail during trial. There is no possibility that the appeal would be heard finally in the near future.

5. In view of above, we pass the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) Pending the appeal, the substantive sentence of imprisonment imposed by the trial Court is suspended. The applicant be released on bail on her executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD