



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

11 CRIMINAL APPLICATION NO. 3491 OF 2024
IN
CRIMINAL APPEAL NO. 813 OF 2024

Dnyaneshwar Pandit Khode

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....

Mrs. Bharati B. Gunjal, Advocate for Applicant (appointed through Legal Aid)
Mrs. Uma S. Bhosale, APP for the Respondent / State.

.....

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

Dated : SEPTEMBER 30, 2024

PER COURT :-

. This is the Application for suspension of the substantive sentence imposed upon the Applicant by learned Additional Sessions Judge, Bhusawal, Dist. Jalgaon in Sessions Case No.86 of 2015 by the Judgment and Order dated 15.05.2019 convicting the Applicant for the offence punishable under Section 302 of the Indian Penal Code.

2. In brief, the case of Prosecution is that, deceased Pramod Patil filed a Report / Complaint against the Applicant. The Applicant was pressurising him to withdraw the same and on that count, the quarrel took place between the Applicant and deceased on 03.09.2015 around 08:30 a.m. The quarrel became violent and the Applicant assaulted deceased Pramod Patil with the Axe and caused nine (9) injuries.

Thereafter, the Applicant came to be Charge-sheeted and tried.

3. Heard learned Advocate for the Applicant and learned APP for the State. Perused the evidence on record.

4. The case is based on testimony of the eye witnesses. The Post-mortem Report show nine (9) injuries on the deceased. The Axe was recovered at the instance of the Applicant. Thus, in our considered view, this is not a fit case for suspending the sentence and hence, we proceed to pass the following order.

ORDER

(i) The Application is rejected.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP