



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

**CRIMINAL APPLICATION NO. 3001 OF 2022
IN
CRIMINAL APPEAL [ST] NO. 8266 OF 2022**

Govind Ramkishan Dangre

....Applicant

Vs.

The State of Maharashtra

...Respondent

.....
Miss Pooja S. Ingle – Advocate for the Applicant
Mrs. V. S. Chaudhari – APP for respondent/State
.....

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

DATED : 20TH MARCH, 2024

PER COURT : -

1. This is the Application for suspension of substantive sentence imposed upon the Applicant by the learned Additional Sessions Judge, Basmathnagar vide Judgment and Order dated 02.03.2020 passed in Sessions Trial No. 11/2015.

2. Heard learned advocate for the Applicant/Appellant and the learned Assistant Public Prosecutor for the State. Perused the papers.

3. It is submitted by the learned advocate for the Applicant/Appellant that there is inconsistency in the evidence of all the eye-witnesses. She submits that the Chemical Analyser's report does not support the case of the prosecution. She further submits that the Applicant is behind the bars for more than 7½ years. She submits that the Applicant/Appellant has a good case on merits and, therefore, the sentence may be suspended.

4. Learned Assistant Public Prosecutor for the State opposes the application. She submits that the case is based on eye-witnesses and the positive role of assault is attributed to the Applicant. She submits that there is ample evidence on record against the Applicant and the trial Court has rightly convicted him.

5. We have gone through the evidence available on record and the Judgment passed by the learned trial Court. The evidence on record shows that the Applicant/Appellant is the accused no. 1. The evidence further shows that he assaulted the deceased on chest and abdomen by means of knife. The evidence on record further shows that he assaulted the other witnesses and the cause of death was "Hemorrhagic shock due to stab injury". The Chemical Analyser's report shows that, human blood was detected on the articles. There is evidence of injured witnesses. Considering the evidence available on record, we do not find

this case fit for suspension of substantive sentence. The Appeal would be heard on its own merits.

6. Criminal Application No. 3001 of 2022 is, accordingly, disposed of.

[NEERAJ P DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde