



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4302 OF 2024
IN
CRIMINAL APPEAL NO.936 OF 2024

Kachru Rama Chobe,
Age : 90 years, Occ.: Agriculturist,
R/o Savargaon, Tq. Georai,
Dist. Beed.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Chaklamba Police Station,
Tq. Georai, Dist. Beed.

... Respondent

...
Mr. Pradip Laxman Andhale, Advocate for Applicant.
Mr. S. K. Shirse, APP for Respondent – State.
...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 22 OCTOBER, 2024

PRONOUNCED ON : 24 OCTOBER, 2024

ORDER :

1. In instant application by invoking section 389 of the Code of Criminal Procedure, prayers are raised for suspension of sentence and grant of bail on account of conviction recorded by Additional Sessions Judge-2, Beed for offence punishable under section 307 of Indian Penal Code and sentenced to suffer (3) three years imprisonment.

2. Learned counsel for applicant submitted that, applicant was tried vide Sessions Case No. 104 of 2014 for commission of offence under sections 307, 323, 504 and 506 r/w section 34 of IPC. That, by judgment and order dated 26.09.2024 conviction is recorded only for offence under section 307 of IPC and sentence awarded is of (3) three years. According to learned counsel, applicant was on bail during trial. That, testimonies of witnesses are not consistent. That, there is no convincing evidence. That, there is false implication due to land dispute. That, judgment of conviction has been taken exception to by filing an appeal, but it being of 2024, it would take long time to be heard and further sentence being for limited period, above reliefs are urged.

3. Learned APP pointed out that, offence is serious. On full-fledge trial, conviction is recorded. That, there is injured witness account supported by medical evidence. That, assault was with deadly weapon in abdominal part and hence application and prayers are opposed.

4. After considering the submissions and on going through the papers, it seems that, occurrence is of 25.02.2014. There are allegations that, there was incident of quarrel and abuse due to common boundary. In presence of wife and son of informant,

present applicant allegedly assaulted injured by means of sickle in the stomach. As a result of which intestine was said to be exposed. PW7 Dr. Kaushlya, medical expert's evidence shows that, there was CLW (stab injury) over right hypochondria region. She opined injury to be on vital part and further opined that had there been no timely treatment, injured would have died. Occurrence is proved beyond reasonable doubt on the strength of 9 witnesses, which includes two eye witnesses. Therefore taking the above material into consideration, though sentence is for three years, relief as prayed deserves to be refused.

5. The criminal application stands rejected.

(ABHAY S. WAGHWASE, J.)