

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1857 OF 2024
WITH
INTERIM APPLICATION NO. 1858 OF 2024
IN
CRIMINAL APPEAL NO. 642 OF 2021

Rajendra Namdev Pisal .. Applicant/Appellant

Versus

The State Of Maharashtra .. Respondent

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Mr. Amit Gharte, for the Applicant/Appellant.

Ms. M. M. Deshmukh, A.P.P. for the State/Respondent.

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**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 13th AUGUST, 2024

P.C:-

1. Interim Application Nos. 1857 of 2024 and 1858 of 2024, filed by the Applicant seek suspension of sentence imposed on him by the learned Additional Sessions Judge, Satara, in Sessions Case No. 66 of 2016, wherein he stand convicted for the offence punishable under Sections 302 and 307 of the Indian Penal Code, and also seeking his release on bail.

2. We have heard the learned counsel Mr. Gharte, for the Applicant, who is appointed through the High Court Legal Services Committee, to render assistance to him.

The Appeal is already admitted and since R.&P. alongwith paper book is received, the Registry has stated that it is ready for final hearing.

3. With the able assistance of the learned counsel, we have perused the impugned Judgment dated 23.08.2019, which tried the Applicant for offence punishable under Sections 302 and 307 of the IPC, on the allegation that he stabbed his own brother Narayan Namdev Pisal, by means of knife and committed the murder by intentionally or knowingly causing his death. Similarly, he also assaulted Rohini Bharat Pisal and Bharat Akoba Pisal by knife and attempted to murder them.

The prosecution case has unfurled before the learned Judge through the informant, son of the deceased, as he categorically deposed that the accused is his father's real younger brother, whereas Bharat is cousin of the accused and his cousin uncle.

On 21.10.2015, the members of the family went to bed and his father Narayan slept in the shed situated in front of their home. On the next day, when the daily chores began at around 5.30 a.m., his father for having his bath went into his house and at around 6.00 a.m. the informant heard his screams from the bathroom and when he alongwith his mother rushed, his father came out of the bathroom wearing his

clothes, but he was pressing his stomach by his right hand and the blood was oozing. He saw the accused standing next to his father with a knife in his hand. The wife of the accused Sunita was pulling him and upon attempt to intervene the accused threatened to kill the informant and he then approached the house of his cousin uncle Bharat with the same knife. After two to three minutes he could hear loud noises from the house of his cousin uncle.

On examining his father, he noticed two stab injuries on the chest, around his navel and even injuries were sustained by him on his hand. On giving water, his father stood up but immediately collapsed and became unconscious. He was taken to the hospital but was declared 'brought dead'.

4. In support of this case of the prosecution, the prosecution has examined ten witnesses, who have proved the charge against the accused under Sections 302 and 307 of the IPC. In addition to PW-1 Ramchandra, even Rohini and Bharat, the injured are also examined as PW-4 and PW-5.

PW-6 and PW-7 are the Medical Officers who have thrown light upon the cause of death of the deceased.

5. The learned Sessions Judge on appreciating the evidence placed before him arrived at a conclusion that in addition to the informant, PW-4 and PW-5 are the eye witnesses to the incident and since the prosecution has proved its case through cogent and reliable evidence of PW-1, PW-4 and PW-5, he arrived at a conclusion that it is only the accused

who is responsible for the death of the deceased and the injuries to PW-4 and PW-5, with an intention to kill them.

On recording the finding of conviction, under Section 302, he has been sentenced to suffer imprisonment for life and is also directed to suffer rigorous imprisonment for seven years on being convicted under Section 307 of the IPC.

The substantive sentences having been directed to run concurrently.

6. At this stage, on appreciation of evidence, adduced before the trial Court, we do not think that a case is made for release of the Applicant on bail or for suspension of the sentence imposed upon him, as a result thereof, both the Interim Applications are rejected.

7. We would like to express appreciation for Mr. Amit Gharte, who was appointed through the High Court Legal Services Committee for his able assistance.

Let the Legal Services Authority ensure that the legal remuneration payable to him is disbursed within a period of six weeks from today.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)