

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.1131 OF 2024

CRIMINAL APPEAL NO.373 OF 2024

Suraj Sukumar Poojari] Applicant
Vs.
The State of Maharashtra and others] Respondents

.....
Mr. Aniket Vagal a/w Mr. Kunal N. Pednekar and Ms. Savvy
Kolhekar, for Applicant.

Ms. Gauri S. Rao, A.P.P, for Respondent-State.
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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 2nd September, 2024.

P.C:

By this application, applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

2 The applicant by judgment and order dated 30th October, 2023, passed by the learned Special Judge, Dindoshi, Mumbai, in Sessions Case No. 150 of 2017 has been convicted for the offences punishable under Sections 302 and 498A of the Indian Penal Code

(‘IPC’). For the offence punishable under Section 302 of the IPC, the applicant has been sentenced to suffer imprisonment for life and for the offence punishable under Section 498A of the IPC, he has been sentenced to suffer rigorous imprisonment for three years and fine.

3 Learned Counsel for the applicant submits that the applicant is in custody for about seven years and six months and that the applicant’s appeal is not likely to be heard in the immediate near future.

4 Learned APP opposes the application.

5 Perused the papers. The applicant is the husband of the deceased. They were married in the year 2012 and the incident has taken place on 10th February, 2017 when the deceased was staying in her maternal house. The prosecution case rests on direct evidence. According to the eye witnesses i.e. PW-1- Gulabi Rammilan Yadav, neighbour of the deceased and PW-2-Munni Pintu Saha, also neighbour of the deceased, the applicant assaulted to the deceased on her head with an iron hammer. The motive to assault

the deceased was that the applicant suspected the character of the deceased and also because she was residing in her maternal house. The postmortem report indicates that the deceased had sustained the following injuries:

(A) – External Injuries:

1. Stitched wound on right ear lobule – 2 c.m.
2. C.L.W. 4x2.5 c.m. cartilage deep on upper edge of right pinna of the ear.
3. Stitched wound 3 c.m. on right temporal region near ear.
4. Scattered stitched wounds on occipital regions 3 c.m., 2 c.m., 4 c.m. and 2 c.m. respectively.
5. Stitched wound 7 c.m. on top of the skull on left side.
6. Contusion 4x6 c.m. on right palm extensor aspect.
7. Multiple contusion left palm, left wrist, lower 1/3rd of left fore arm, scattered 6 in number ranging from 0.5 c.m. to 3 c.m.

(B) – Internal injuries :

1. Large subcalp haematoma of left zygoma and other in respect of external injuries.
2. The injuries mentioned at serial number (iii) to (iv) in column number 17 are deep with fracture underline bone.
3. Fracture of right occipital bone extending to temporal bone and base of the skull.

The cause of death is stated to be “shock due to fracture of skull” (death was unnatural).

6 Considering the aforesaid, this is not a fit case for suspending the sentence of the applicant. However, the hearing of the appeal is expedited since paper-book is ready.

7 Matter to be listed on **30th September, 2024**, under the caption “for directions” for fixing date of hearing.

8 Liberty to mention for fixing date of hearing.

9 Accordingly, application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]