



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 713/2023

IN

CRIMINAL APPEAL NO.452/2023

Ranjit @ Kalya S/o. Bhimrao Raut

Vs.

The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. S. Mishra, Advocate for Applicant.

Mr. J. Y. Ghurde, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.

DATED : 06/02/2024.

. This is an application for seeking suspension of execution of sentence passed by the Trial Court in Sessions Case No.135/2019 by which the applicant Ranjit was convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. The learned Counsel for the applicant would submit that the Trial Court utterly failed to appreciate the evidence and in absence of convincing evidence the finding of guilt has been recorded. It is submitted that the case is based on circumstantial evidence which falls short to connect the accused with the death of his wife. According to the applicant, the cause of death has not been ascertained and thus, the prosecution is not able to establish homicidal death. Lastly, it is submitted that the accused is in jail for five years and, therefore, he deserves for suspension.

3. With the assistance of both the sides, we have examined the entire material.

4. The applicant along with his mother and sister have been prosecuted for committing murder of his wife namely Sapana. The applicant got married with Sapana on 26.05.2019 whilst on the intervene night of 30.05.2019 to 01.06.2019 i.e. within five days from the marriage, Sapana died mysteriously. The informant, who is the father of the deceased came to know about the death of Sapana in the wee hours of 01.06.2019 on which he rushed to the place and later learnt that the applicant (husband of the deceased) has strangled Sapana with the aid of a towel and thus, committed the offence of murder. On the same day, he has lodged report blaming that the applicant has committed murder.

5. Undisputedly, the deceased Sapana was living along with the applicant and thus, it is a case of custodial death. Though certain doubts have been raised about the cause of death, however, *prima facie*, the medical evidence suggests that there were marks of injury at the neck of the deceased as well as it was not a case of poisoning.

6. Learned A.P.P. has particularly pointed us that soon after the occurrence, the applicant was apprehended on which certain injuries were found on his person confirming the case of struggle. During the course of investigation, a blood stained towel has been seized. The learned Trial Court has assigned the reasons backing the order of conviction. At this stage, we could not see any explanation on the part of the applicant about the injuries

or to explain the custodial death. Having regard to all above circumstances, a case for suspension has not been made out. In view of that, the application stands rejected.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)