



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 1180 OF 2024

IN

CRIMINAL APPEAL NO. 700 OF 2024

Sau. Bebi W/o. Ganesh Ravekar and another

Vs.

State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. M. Daga, Advocate for applicant.
Shri Ujwal Phasate, APP for non-applicant/State.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 18.12.2024

Heard.

2. Applicant- Sau. Bebi W/o. Ganesh Ravekar, who has been convicted along with her son for the offence punishable under Section 302 r/w. 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for life to pay fine of Rs.5000/- by the judgment and order dated 26.11.2024 passed by the learned Additional Sessions Judge, Darwaha, Dist. Yavatmal in Sessions Trial No. 43/2016 has filed this application for suspending her sentence and grant of bail during pendency of the appeal.

3. Mr. Daga, learned counsel for the applicant submitted that the allegations against the applicant is of catching hold of the deceased, her daughter-in-law, whereas

the main allegation of pouring kerosene and setting on fire the deceased is against co-accused- Rahul. According to him, it is a suicidal case and not a homicidal one. He took us to the spot panchnama, which has been shown by one of the relative of the applicant to the Police wherein it has been mentioned that the applicant and co-accused were tried to extinguish the fire on the deceased. It is also submitted that the dying-declaration was not read over to the deceased. The charges under Section 498A of the IPC have not been proved against the applicant. The applicant is a lady, aged about more than 60 years and the appeal will take considerable time. Hence, the learned counsel for the applicant seeks suspension of the substantive sentence imposed on the applicant pending the appeal.

4. *Per contra*, the learned APP for the State vehemently submitted that there is a dying-declaration, where the deceased has categorically mentioned the role played by the applicant of catching hold of her and pouring kerosene by the co-accused and setting her on fire. The oral dying-declaration was also made by the deceased to her mother, which is duly proved. Therefore, there is no chance for the applicant to succeed in the appeal. Hence, sought rejection of the application.

5. Perused the impugned judgment, deposition of the witnesses and the documents in particular the spot panchnama, death summary and admission card of the deceased. Perusal of the documents goes to show that initially the death of the deceased was admitted in hospital

as a suicidal case. However, after the deceased gave dying-declaration, the offence came to be registered against the applicant and the co-accused. Considering the documents mentioned above and in particular the role played by the applicant in the crime coupled with the fact that the applicant is a lady, we are of the opinion that a case is made out for suspension of substantive sentence pending the appeal. Hence, we proceed to pass the following order:-

- i) The application is allowed.
- ii) Pending the appeal, the substantive sentence imposed on the applicant by judgment and order dated 26.11.2024 by the learned Additional Sessions Judge, Darwha, Dist. Yavatmal in Sessions Trial No. 43/2016 shall remain suspended.
- iii) Applicant- Sau. Bebi W/o. Ganesh Ravekar shall be released on bail on she furnishing a P.R. bond of Rs.30,000/- (Rs. Thirty Thousand) with one solvent surety in the like amount.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)