



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**905 CRIMINAL APPLICATION NO. 4 OF 2025
IN APEAL/23/2025**

Sonarsingh Sakrya Valvi
VERSUS
The State Of Maharashtra

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Mr. Shaikh Nasimoddin Rafioddin - Advocate (appointed) for Applicant
Mrs. U. S. Bhosale - APP for Respondent/State

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**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.**

DATED : 12TH FEBRUARY, 2025

PER COURT : -

1. This is an Application for the suspension of the substantive sentence imposed by the learned Sessions Judge, Nandurbar, in Sessions Case No. 50 of 2023, by Judgment and Order dated 05.10.2024, convicting the Applicant/Appellant for the offence punishable under Section 302 of the Indian Penal Code.

2. The case of Prosecution, in brief, is that the Applicant/Appellant assaulted his wife with a rope in the night of 30.06.2023. Due to the assault, his wife succumbed to the injuries. The daughter-in-law of the Applicant/Appellant reported the incident to the Police, and the Crime came to be registered against the

Applicant/Appellant. After the investigation, the Applicant/Appellant came to be Charge-Sheeted and, after the trial, came to be convicted as referred above.

3. It is submitted by the learned Advocate for the Applicant/Appellant that, though the Prosecution examined witnesses on the point that they saw the Applicant/Appellant assaulting the deceased, there is material inconsistency in their testimonies. He submits that the Applicant/Appellant was in the agricultural field in the night and returned home in the morning. He saw his wife in an injured condition and helped her move in the hospital. He submits that due to the inconsistency in the testimonies of the material witnesses, the Applicant/Appellant has a good case on merits, and the Application be allowed.

4. The Application is opposed by the learned APP. She submits that the inconsistency is not of that nature which would be sufficient to discard the testimonies of witnesses. The witnesses examined by Prosecution are PW5 – Vanita Nitesh Valvi, PW6 – Sangita Vishal Valvi, and PW7 – Shradha Anarsingh Valvi, who are residing nearby the house of the Applicant/Appellant and are relatives of the Applicant/Appellant. She submits that, there were in all 31 injuries on the deceased as seen from the post mortem report, and the cause of death is “due to multiple

injuries". She, therefore, submits that the Application be rejected.

5. With the help of the Advocate for the Applicant/Appellant and the learned APP for the State, we have gone through the evidence on record. The evidence of PW5 – Vanita Nitesh Valvi, PW6 – Sangita Vishal Valvi and PW7 – Shradha Anarsingh Valvi, show that they saw the Applicant/Appellant assaulting the deceased with a rope in the night of 30.06.2023. The Post Mortem report shows 31 injuries on the dead body and the cause of death is shown as 'due to multiple injuries'. The inconsistency pointed out by the learned Advocate for the Applicant/Appellant can be considered at the time of final hearing. At this stage, in our considered view, there is sufficient evidence to support the Judgment of conviction. Hence, we proceed to pass the following order : -

ORDER

- [i] The Application is rejected.
- [ii] For the present, we quantify the fee of the learned Advocate appointed through Legal Aid to represent the Applicant/Appellant at Rs.10,000/- [Rupees Ten Thousand], which shall be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE