

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

907 CRIMINAL APPLICATION NO.154 OF 2025
IN
CRIMINAL APPEAL NO.48 OF 2025

Sanghdeep @ Sandip @ Lala Bhimrao KadamApplicant

Versus

The State of MaharashtraRespondent

.....
Shri. Sakharam G. Deshmukh, Advocate for the Applicant
Shri. N. S. Tekale, APP for the Respondent / State.

.....
WITH

CRIMINAL APPEAL NO. 48 OF 2025

.....

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

Dated : FEBRUARY 18, 2025

PER COURT :-

. This is the Application for Suspension of substantive Sentence imposed by the learned Additional Sessions Judge, Jalna on the Applicant by Judgment and Order dated 25.09.2024 in Sessions Case No.136 of 2023. The operative part of the said Judgment and Order reads as under :-

"1. Accused Snaghdeep @ Sandip @ Lala Bhimrao Kadam is hereby convicted as per Sec. 235(2) of the Cr.P.C. for the offence punishable under Sec. 302 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for life and fine of Rs.50,000/- and in default of payment of fine to suffer S.I. for six months.

2. Accused Snaghdeep @ Sandip @ Lala Bhimrao Kadam is hereby hereby acquitted as per Sec.235(1) of the Cr.P.C. for the offences punishable under Secs.498-A of the Indian Penal Code.

3. *Accused Snaghideep @ Sandip @ Lala Bhimrao Kadam is entitled for set off for the period in which he was in Jail as per Sec.428(1) of Cr.PC.*

4. *As per section 357(1) of Cr.PC., out of fine amount, compensation of Rs. 50,000/- be given to the first informant Bhagaji Vetral Achalkhamb, r/o.Kumbhephal, Tq. District- Jalna after the period of appeal.*

5. *The Secretary, DLSA Jalna is recommended to give compensation on account of the loss of the life of Rama to first informant and other dependents of the deceased Rama if any as per section 357-A of Cr.PC. Under the Maharashtra Victim Compensation Scheme 2014 or any other scheme.*

6. *Muddemal knife is hereby confiscated, and it be sent to Collector office for disposal according to law, after the appeal period.*

7. *One ITEL company mobile be returned to the accused after the appeal period is over.*

8. *Rest of the muddemal being worthless be destroyed, after the appeal period is over.*

9. *The copy of the judgment be given to the accused free of costs forthwith.*

10. *Copy of this judgment be sent to the District Legal Service Authority Jalna for information and necessary action."*

2. The case of the Prosecution, in brief, is that, Deceased was the Wife of the Applicant / Appellant. Due to marital discord, they were residing separately for two (2) to three (3) months prior to the date of the incident. Deceased was residing at her parents house along with her children. On 10.11.2022 the Applicant / Appellant went to the house of In-laws where Deceased was residing and committed her Murder by using Knife. The act of Murder was witnessed by PW3 - Chandrakala Vishnu Achalkhamb, who was Sister-in-law of Deceased. The matter was reported to the Police and on completion of the investigation, the Appellant / Applicant was Charge-sheeted. After Trial, he was convicted as referred above.

3. Heard learned Advocate for the Applicant / Appellant and learned APP for the State.

4. It is submitted by learned Advocate for the Applicant / Appellant that there are inconsistencies in the testimony of the eye witness and the Medical Officer. He submits that the name of the eye witness does not reflect in the FIR. He submits the Appeal would not come up for hearing in the near future and, therefore, the Application be allowed.

5. It is submitted by learned APP for the State that the case is based on the testimony of the eye witness. The name of eye witness figures in the FIR. The weapon of assault i.e. Knife was seized from the spot of the incident. The Knife and the clothes of the Applicant / Appellant were stained with blood. There is strong case against the Applicant / Accused. She submits that the Application be rejected.

6. We have gone through the evidence on record. The Prosecution has examined PW3 - Chandrakala Vishnu Achalkhamb as the eye witness to the incident. In her evidence, she narrated about the incident. Her evidence shows that she witnessed the incident of killing Deceased by the Applicant / Appellant with Knife. The cause of death, as seen from the Post-mortem Report, is '*Death due to Cut Throat Injury*'. The weapon and clothes were found with blood stains of human. With this evidence

on record, in our considered view, it is not the fit case for Suspension of Sentence. Hence, we proceed to pass the following order.

ORDER

- (i) The Criminal Application is rejected.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP