



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

**CRIMINAL APPLICATION NO. 356 OF 2025
IN CRIMINAL APPEAL NO. 70/2025**

KASHINATH SAHEBRAO CHAURE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

.....

Advocate for Applicant : Mr. Dhananjay M. Shinde

APP for Respondent/State: Mr. S.R. Yadav Lonikar

....

**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 25th AUGUST, 2025

ORDER:-

1. By this application, applicant seeks suspension of substantive sentence of life imprisonment imposed upon him by the learned Additional Sessions Judge, Vasmathnagar, District Hingoli, in Sessions Case No. 32 of 2021.
2. The applicant-accused was charged for the commission of murder of his father-in-law on 01.02.2021 between 11.30 to 11.45 a.m. with a wooden log and by sagging him on floor.
3. The FIR is lodged by the Director of the School, to whom the applicant allegedly made confession that he killed the deceased, who happened to be his father-in-law, and he was physically challenged

person. Medical evidence shows that there were fracture injuries on the bilateral parietal bones, nasal bone, compound fracture of frontal bone with corresponding internal injuries on the dead body. The death has occurred due to head injury. The evidence on record indicates that, accused came outside the room, wherein the dead-body was found, and motive behind commission of murder was that, accused was allegedly having illicit relations with his mother-in-law i.e. wife of the deceased and deceased had come to confront that to the accused.

4. *Prima facie*, the evidence on record shows the involvement of the accused in the present crime.

5. The learned Advocate for the accused submits that, even if the prosecution case is accepted as it is, at the most it can be said that the accused assaulted the deceased in grave and sudden provocation. There is no premeditation. The wooden log, by which the accused has assaulted, is commonly known as “मुसळ” which is available in everybody’s house. Therefore, the offence at the most can be said to be punishable under Section 304 Part I or II of the Indian Penal Code. He submits that, accused is in jail since 2021 and therefore, considering the period of incarceration, he may be released on bail.

6. We do not agree with the said submission. The medical evidence

shows that there are multiple blows given by the accused and therefore, *prima facie* it cannot be said that the offence would fall under Section 304 Part I or II of the Indian Penal Code.

7. *Prima facie*, we are of the view that there is sufficient material on record to sustain the conviction of the applicant. Therefore, in our view this is not a fit case for suspension of sentence of life imprisonment. The application is, therefore, dismissed.

8. Hearing of Appeal is expedited.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S. Kulkarni