



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 609 OF 2025
IN APPEAL/108/2025

WITH
CRIMINAL APPEAL NO. 108 OF 2025

SHIVRAM S/O MARUTI SHINDE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Senior Adv. Rajendrraa Deshmukkh
i/b & a/w Mr. R.G. Dodiya

APP for Respondent/State: Mr. A.S. Shinde

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

DATED : 21th AUGUST, 2025

ORDER:-

1. By this application, the applicant/accused convicted by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar under Section 302 of the Indian Penal Code and sentenced to suffer life imprisonment in Sessions Case No. 148 of 2023, seeks suspension of substantive sentence of imprisonment.

2. The accused was charged for committing murder of father of the informant (PW.2) namely Mukinda Ganpat Shinde on 25.09.2023 at about 4.00 p.m.

3. Heard learned Senior Advocate for the applicant/ accused and learned A.P.P. for the State and learned Advocate Shri. D.R. Adhav for

assisting to learned A.P.P

4. Perused the record. There is evidence of eyewitness P.W.2 informant i.e. son of the deceased, who has seen the accused assaulting the deceased with stone. The learned Senior Advocate argued that his conduct is unnatural. He has not made any effort to take his injured father to the hospital and therefore, he appears to be a got up witness and his evidence should be discarded. We do not agree with the said submission. It is well settled that different witnesses act in a different manner in the given situation. Therefore, merely because P.W.-2 has not acted in a particular manner, his evidence cannot be discarded on this ground.

5. The next submission is that the dispute between the deceased and accused was already settled. This submission is also unexceptable in view of the fact that there is sufficient evidence on record to show that the dispute of passage way was going on between the accused and the deceased.

6. Then there is extra judicial confession to P.W. No.5, which was sought to be assailed as unbelievable as the statement of this witness was belatedly recorded. Merely because the statement was belatedly recorded, at this stage we are not inclined to disbelieve the extra judicial confession.

7. *Prima facie* we are of the view that there is sufficient evidence on record to sustain conviction of appellant/accused and the trial Court has properly appreciated the evidence. No case is made out by the appellant for suspension of substantive sentence of life imprisonment. The application being devoid of merit is dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S. Kulkarni