



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

**CRIMINAL APPLICATION NO. 1137 OF 2025
IN APEAL/253/2025**

**ANNA EKNATH GAYAKE
VERSUS
THE STATE OF MAHARASHTRA**

.....
Mr. Vaibhav Pawar, Advocate for the applicant.
Mr. N.S. Tekale, A.P.P. for the respondent-State.
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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 31 JULY 2025

ORDER:-

1. Applicant/accused is convicted by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 122 of 2020 for committing murder of his wife and is sentenced to suffer life imprisonment. By present application, he seeks suspension of his substantive sentence of imprisonment.

2. Prosecution case is that, the accused was suspecting character of his wife and during the fateful night of 03.11.2019 and 04.11.2019, the accused committed murder of his wife by throttling and thereafter tried to commit suicide by cutting his veins. F.I.R. was lodged by brother of the deceased Rekha.

3. Accused was charged for the offences punishable under Sections 302 and 309 of the Indian Penal Code. His defence was of total denial. He claimed that he had gone to the house of his brother alongwith his minor daughter and parents (which is at a distance of 2 to 3 kms from his house, the spot of incident) and when he came back after 12.30 in the midnight, he found his wife in dead condition. Due to same, he tried to commit suicide.

4. Prosecution has examined seven witnesses in support of it's case and the accused has examined himself as defence witness No.1.

5. With the assistance of learned advocate for the applicant and learned A.P.P., we have perused the record.

6. Admittedly, the case is based on circumstantial evidence and prosecution appears to have proved the complete chain of circumstances against the accused. In the medical history given by accused to the doctor who treated him, it is mentioned that he murdered his wife by throttling and then tried to commit suicide. The same is reflected in Exhs.62 and 63. Motive is proved by prosecution in the evidence of PW-1, PW-5 and PW-7 as the accused was suspecting character of his

wife. Admittedly, murder has taken place in the residential house of the accused and the accused has failed to give plausible explanation about the circumstances in which his wife was murdered. His defence is found to be false in view of the evidence led by prosecution.

7. We are, *prima facie*, of the opinion that trial Court is justified in convicting the applicant/accused by properly appreciating the evidence. Fact remains that the accused was an under trial prisoner and was not released on bail during trial.

8. Taking into consideration gravity of the offence, we are not inclined to suspend sentence of the applicant. The application being devoid of merits, is dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE