

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

919 CRIMINAL APPLICATION NO. 1797 OF 2025
IN APEAL/360/2025

Sharad Ramesh Jadhav

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Ms. Priyanka Ashok Deshpande i/by. Shri. Chetan Barku Chaudhari,
Advocate for the Applicant

Shri. C. V. Bhadane, APP for the Respondent – State.

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CORAM : NEERAJ P. DHOTE, J.

Dated : SEPTEMBER 12, 2025

PER COURT :-

. This is the Application for Suspension of Sentence imposed by the learned Additional Sessions Judge, Nandurbar in Sessions Case No.52/2022 by the Judgment and Order dated 09.05.2025 convicting and sentencing the Applicant as follows :

“ORDER

01] Accused No.01 Shri Sharad Ramesh Jadhav, R/o.Khondamali, Tal. Dist. Nandurbar is hereby convicted under Section 235(2) of the Code of Criminal Procedure, for the offence punishable under Sections 304 of Indian Penal Code and sentenced to suffer Rigorous Imprisonment for 10 (ten) years and also pay fine of Rs.25,000/- (Rupees Twenty Five Thousands only) and in default to suffer Simple Imprisonment for 03 months.

02] The accused No.1 Shri Sharad Ramesh Jadhav, R/o. Khondamali, Tal. Dist. Nandurbar was in custody during the period in between 15/01/2022 to 19/01/2022. As such, he is entitled to get set off of his said period of detention, as contemplated under Section 428 of the Code

of Criminal Procedure.

03] The accused No.1 Shri Sharad Ramesh Jadhav, R/o. Khondamali, Tal. Dist. Nandurbar is directed to surrender his bail bonds, forthwith.

04] In case of recovery of the fine amount from accused No.1 Shri Sharad Ramesh Jadhav and no appeal is preferred then, out of it Rs.20,000/- (Rupees Twenty Thousands only) be paid to the mother of deceased i.e.Smt. Sushilabai Darbarsing Girase, R/o. Amalthe, Tal. Dist. Nandurbar, as contemplated under Section 357(1) of the Code of Criminal Procedure, after the appeal period is over.

05] The accused 02) Shri Lalit Kishor Chandane, R/o. Nandurbar is hereby acquitted under Section 235(1) of the Code of Criminal Procedure, from the offence punishable under Sections 304 of Indian Penal Code.

06] The bail bonds of accused 02) Shri Lalit Kishor Chandane, R/o. Nandurbar shall stand canceled.

07] The accused 02) Shri Lalit Kishor Chandane, R/o. Nandurbar shall furnish Personal Bond of Rs.50,000/- (Rupees Fifty Thousands only) and the surety bond of like amount, for the next period of six months, as required under section 437-A of the Code of Criminal Procedure.

08] Copy of this Judgment and order be provided to accused No.01 Shri Sharad Ramesh Jadhav, R/o.Khondamali, Tal. Dist. Nandurbar immediately, free of costs and as per rules.”

2. Heard the learned Advocate for the Applicant and the learned APP for the State. Perused the papers on record.

3. The case of the Prosecution as revealed from the Judgment of the learned Trial Court is that, the Transformer of the village Amalthe, Tal. and Dist. Nandurbar was damaged. The Applicant, who is the Wireman, had come to install the Transformer. The agriculturists of the surrounding areas were called. During the said work, the Brother of the Informant suffered electric shock, to which he succumbed. It is the case

of the Prosecution that, the Applicant who was the Wireman was having knowledge that while doing said electric work, death can be caused and without providing any safety measures to the Deceased, asked the Deceased to climb the electric poll.

4. The Sentence imposed on the Applicant by the learned Trial Court is the term sentence. The Accused No.2 has been acquitted. The Appeal is not likely to be taken up for hearing in the near future. The Witness Nos.3, 4, 5, 7, 8 and 11 have not supported the case of the Prosecution. The Conviction is mainly based on the Testimony of the Witness No.2, who is the Brother of the Victim and Witness No.10 – the Cousin of the Victim. Considering the nature of the offence and the term sentence and that the Appeal would not be taken up for final hearing in the near future and as the Applicant was on bail during Trial, I am inclined to suspend the Sentence. Hence, the following order:

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the learned Additional Sessions Judge, Nandurbar in Sessions Case No.52/2022 vide Judgment and Order dated 09.05.2025 on the Applicant by name Sharad Ramesh Jadhav for the offence punishable under Section 304 of the Indian Penal Code, is suspended during pendency of the Appeal.
- (iii) Applicant - Sharad Ramesh Jadhav be released on bail on

furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only),
with one surety in the like amount.

(iv) Bail before the Trial Court.

5. Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP