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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2638 OF 2025
IN
CRIMINAL APPEAL NO.201 OF 2024

Kiran Ashok Hatkar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. Abhaysinh K. Bhosle, Advocate for the Applicant
Mr. S. R. Yadav Lonikar, APP for Respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, &
SANDIPKUMAR C. MORE, J. J.]

DATE : 18th AUGUST, 2025

ORDER :

1. By this application, the Applicant seeks suspension of his substantive sentence of life imprisonment, imposed on him by learned Additional Sessions Judge, Jalgaon in Sessions Case No. 350 of 2019.
2. The Applicant, along with 3 co-accused, was charged under sections 302 and 307 read with 34 of the Indian Penal Code, for committing murder of Mukesh Sapkale, by assaulting him with chopper, on head and chest.
3. PW-2, informant is the brother of the deceased, who is eyewitness and who also suffered injuries during the incident.

4. *Prima facie*, there is sufficient evidence on record to show that the Applicant has assaulted the deceased and the said incident is witnessed by PW-2. Ocular evidence is supported by the medical evidence. The murder weapon was recovered at the instance of the Applicant. The Applicant was identified in the test identification parade by PW-2. Therefore, there is sufficient evidence to sustain conviction of the Applicant.

5. No case is made out by the Applicant for suspension of substantive sentence of imprisonment.

6. The Application being devoid of merit is dismissed. Hearing of Appeal is expedited.

[SANDIPKUMAR C. MORE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE