

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

27 CRIMINAL APPLICATION NO. 2851 OF 2025
IN APEAL/562/2025

Abhijit Aka Pintu Devidas Gite And Another

VERSUS

The State Of Maharashtra

...

Mr. Imran Khan Guftar Khan Durrani - Advocate for Applicant

Mr. C. V. Bhadane - APP for State

...

CORAM : NEERAJ P DHOTE, J.

DATED : 15TH SEPTEMBER, 2025

PER COURT : -

1. This is an Application for suspension of substantive sentence imposed upon the Applicants by the learned Additional Sessions Judge, Aurangabad, vide Judgment and Order dated 15th July, 2025, passed in Sessions Case No. 37 of 2018, convicting the Applicants/Appellants for offence punishable under Section 307 read with 34 of the Indian Penal Code and sentencing them to suffer rigorous imprisonment for five (5) years and to pay a fine of Rs. 25,000/- (Rs. Twenty-Five Thousand only) each, in default of payment of fine, to suffer rigorous imprisonment for three months. They are also convicted for offence punishable under Section 506 read with 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two (2) years and to pay a fine of Rs. 25,000/- (Rs. Twenty-Five Thousand only) each, in default of payment of fine, to suffer rigorous imprisonment for three months.

2. In brief, the case of the Prosecution is that, on 13.03.2017, it was the day of the festival of colours, when the Informant/Victim was returning home, he was stopped by convicts and assaulted by using a sharp weapon. The Informant had to undergo medical treatment. Incident was reported to the Police and accordingly, Crime bearing No. 236 of 2017 came to be registered with Kranti Chowk Police Station. After the trial, the Applicants/Appellants came to be convicted and sentenced as above.

3. Heard the learned Advocate for the Applicants/Appellants and the learned APP for the State. Perused the papers on record.

4. Except for the first Informant/Victim, none of the witnesses examined by the Prosecution supported the case. The evidence of the Victim shows that no history of assault was given to the Doctor. He was not aware whether his friends had informed the Police Chowki at the Hospital about the incident. The Injury Certificate shows that he suffered three (3) simple injuries. The sentence imposed is a term sentence. The Applicants have already paid the fine amount. They were on bail during the trial. Thus, I am inclined to allow the Application. Hence, the following order :

ORDER

[i] Application is allowed.

- [ii]** The sentence imposed upon the Applicants by the learned Additional Sessions Judge, Aurangabad, vide Judgment and Order dated 15th July, 2025 passed in Sessions Case No. 37 of 2018, is hereby suspended till the final disposal of Criminal Appeal.
- [iii]** The applicants be released on PR. of Rs.15,000/- [Rupees Fifteen Thousand] each, with one surety in the like amount each.
- [iv]** Bail before the Trial Court.
- [v]** The Applicants shall cooperate in the early hearing of the Criminal Appeal.
- [vi]** Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde