



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

**CRIMINAL APPLICATION NO. 2869 OF 2025
IN CRIMINAL APPEAL NO.49 OF 2025**

Vishnu Shankar Landge @ Somwanshi
Age : 25 Years, Occ. Agricultre,
R/o. Lamjana, Tq. Ausa,
District Latur.

... Applicant
(Original Accused No.1)

VERSUS

The State of Maharashtra

...
Advocate for Applicant : Mr. Sudarshan J Salunke
APP for Respondent/State: Mr. S. R. Wakale

....

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

DATED : 12th AUGUST, 2025

ORDER:-

1. By this application, the applicant seeks suspension of his substantive sentence of life imprisonment imposed by learned Additional Sessions Judge-3, Latur in Sessions case No. 15 of 2023 vide judgment and order dated 22.10.2024 thereby convicting the applicant along with three accused for the offence punishable under Sections 302 and 120-B read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate for the applicant and learned A.P.P for the State. Perused the record.

3. As per the prosecution case, applicant/ accused No.1 had illicit relations with accused No.2 . They hatched a conspiracy to eliminate husband of accused No.2 and gave contract to eliminate the husband of accused No.2 to accused Nos. 3 and 4. Pursuant to the said conspiracy, accused Nos. 3 and 4 killed the husband of accused No.2 between 21.30 hours of 1.11.2022 to 8.00 hours of 02.11.2022 in field Gut No. 65, situated at Gadhavewadi, Taluka Ausa, District Latur. Accordingly four accused persons were charged under Sections 302, 120-B read with Section 34 of the Indian Penal Code.

4. In support of its case, prosecution examined 11 witnesses and the trial Court has convicted all the four accused.

5. With the able assistance of the learned Advocate for the applicant and learned A.P.P we have perused the record. Admittedly, the case is based on circumstantial evidence. The only evidence which we could find against the applicant is that there were enormous phone calls between accused No.1 and accused No.2 before, after and on the date of the incident. It is pertinent to note that there is no material on record to show that the applicant/ accused No.1 hatched a conspiracy with accused No.2, to eliminate her husband and for that purpose a

contract was given to accused Nos. 3 and 4. Except CDR and SDR of the conversation between accused Nos. 1 and 2, there is absolutely no evidence on record to prove the conspiracy between the accused persons. The trial Court, on the basis of CDR and SDR of cell phones of accused Nos. 1 and 2, has drawn an inference that they must have hatched the conspiracy and must have given contract to kill husband of accused No.2.

6. *Prima facie*, there is no sufficient material to prove the conspiracy of accused Nos. 1 and 2. The applicant therefore, has good case on merits and applicant has high hopes to succeed in the appeal. Hence, we are inclined to allow the application. In the result we pass the following order.

ORDER

- (I) The application is allowed.
- (II) Pending hearing and final disposal of the present appeal, substantive sentence of life imprisonment imposed on the applicant Vishnu Shankar Landge @ Somwanshi imposed by learned Additional Sessions Judge-3, Latur in Sessions case No. 15 of 2023 is hereby suspended.
- (III) Applicant Vishnu Shankar Landge @ Somwanshi be released on bail on furnishing personal bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount.
- (IV) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE