



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

**CRIMINAL APPLICATION NO. 2937 OF 2025
IN APPEAL/99/2024**

**GANGADHAR IRANNA KARNE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Aditya Sikchi, Advocate for the appellants.
Mrs. Uma Bhosale, A.P.P. for respondent-State.
...

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

DATED : 12 AUGUST 2025

Order :

1. This is second application of the applicants for suspension of their sentence of life imprisonment. Four accused were charged for the offence punishable under Sections 302 and 504 read with Section 34 of the Indian Penal Code for committing murder of Gangadhar Karne on 19.04.2020 between 5.30 a.m. to 6.00 a.m. in the field of deceased bearing Gut No. 365 of village Narangal, Taluka Deglur, District Nanded.

2. Prosecution examined 10 witnesses and after conducting trial, trial Court convicted the applicants for the offence punishable under Section 302 of I.P.C. and sentenced them to suffer life imprisonment.

3. Heard learned advocate for the applicants and learned A.P.P. for the State. Perused the record.

4. Learned advocate for the applicants submits that there is discrepancy in the prosecution evidence in respect of seizure of weapon allegedly used in the incident. Prosecution has led evidence to show that the scythe was seized from the spot of incident at the time of drawing spot panchnama. Prosecution has also relied upon recovery of scythe from accused No.2 under Section 27 of the Indian Evidence Act. He submits that this is fatal lacuna in the prosecution case, and therefore, the prosecution case is liable to be discarded. According to him, the applicants have good case on merits and they hope to succeed in the appeal. Since their appeal is not likely to be heard in near future, the application may be allowed by suspending their sentence of life imprisonment.

5. Per contra, learned A.P.P. supported the impugned judgment and order of conviction. She pointed out that there are two eye witnesses in the present case and their evidence on the point of incident is consistent. Trial Court has rightly appreciated the evidence and has recorded conviction by well reasoned order. Therefore, this is not a case for suspension of substantive sentence of life imprisonment.

6. Perusal of the record indicates that PW-2 and PW-3 are the eye witnesses, out of them PW-2 is an injured eye witness. They have described the incident by giving specific role of each of the accused. Their evidence on the point of incident is consistent and could not be shattered in the cross-examination. C.A. report corroborates the prosecution case. Murder weapons were found stained with human blood. On the clothes of the accused also human blood was found. Therefore, prima facie, there appears sufficient material to sustain conviction of the applicants. Considering the same, in our view, this is not a fit case to suspend the substantive sentence of the applicants.

7. The application being devoid of merits, is dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE