

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

924 CRIMINAL APPLICATION NO. 3160 OF 2025

IN

CRIMINAL APPEAL NO.119 OF 2025

Gurumanrajsingh Diljitsingh

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Shri. Avinash Patil a/w. Shri. Abhaysinh K. Bhosle, Advocate for the
Applicant

Shri. Suraj R. Bagal h/f. Shri. B. N. Gadegaonkar,
Advocate for Assist to P. P.

Shri. B. B. Bhise, APP for the Respondent – State.

.....

CORAM : NEERAJ P. DHOTE, J.

Dated : SEPTEMBER 12, 2025

PER COURT :-

. This is the Application for Suspension of Sentence imposed by the learned Extra Joint Additional Sessions Judge-1, Nanded, Dist. Nanded in Sessions Case No.194 of 2022 by Judgment and Order dated 28.11.2024.

2. It is submitted by the learned Advocate for the Applicant – Appellant that the Co-accused by name Sukhjyotsingh Charanpalsingh Brar has been released on bail. As sentence of the Co-accused is suspended by this Court by order dated 19.06.2025 in Criminal Application No.702 of 2025 in this Appeal, he submits that, on the ground of parity the Application be allowed.

3. According to the learned APP for the State and the learned

Advocate for the Assist to P. P., the case is based on the testimony of the Eye Witnesses and the learned Trial Court has rightly convicted the Applicant / Appellant. However, they do not dispute that the sentence of the Co-accused has been suspended by this Court by the above order.

4. The Conviction and Sentence recorded by the learned Sessions Court is as under :

“1. The accused No.1 Gurumanrajsingh Daljitsingh Age: 32 years, Occupation:Labour,R/o Brotiwala Mohalla, Sector 78, Sohana, Sas Nagar Punjab and accused No.2 Sukhjyotsingh Charanpalsingh Barar, Age: 35 years, Occupation:Labour, R/o Baba Munida, Gurudwara Ghallor, Tah. Bagapurana Punjab, Dist. Mogha are hereby convicted as per section 235(2) of Code of Criminal Procedure of the offence punishable under section 307 r.w. 34 of the Indian Penal Code and sentenced to suffer R.I. for 10 Years each, and to pay fine of Rs. 5,000/- (Rs. Five Thousand) each in-default to suffer R. I. for ONE month.

2. Above all substantive sentences shall run concurrently.

3. Set off for the period from 16-06-2022 till today i.e. two years Five Months under section 428 of Code of Criminal Procedure be given to the accused.

4. Seized muddemal property, i.e. Krupan be sent to District Magistrate, Nanded for its disposal according law and rest of the muddemal property, being worthless, be destroyed after the appeal is over.

5. Total fine amount if recovered from both accused, be paid to informant/victim in view of section 357(1) of Code of Criminal Procedure, 1973.

6. Bail bonds of accused (if any) shall surrender.

7. In view of section U/s. 363(1) of Cr. P. C. 1973, copy of judgment be given to the accused free of costs forthwith.....”

5. The Applicant is behind the bars for a period of Three (3) Years

and Three (3) Months. Only on the ground of parity, this Application is allowed by the following order.

O R D E R

- 1) The application stands allowed.
- 2) The substantive sentence imposed on the applicant/appellant in Sessions Case No. 194 of 2022, dated 28/11/2024, by the learned Extra Joint Additional Sessions Judge-1, Nanded, District Nanded, is hereby suspended until final hearing and disposal of Criminal Appeal No. 119 of 2025.
- 3) The applicant/appellant Gurumanrajsingh Diljitsingh shall be released on his executing a P.R. bond of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.
- 4) The applicant/appellant shall not commit any criminal offence during the pendency of the appeal.
- 5) The applicant/appellant shall remain present before the learned Trial Judge once in every six months until final disposal of the appeal, starting from the date he submits bail papers. The Trial Judge shall fix dates for his subsequent appearances.
- 6) In case of two consecutive defaults in appearing before the Trial Court, the Trial Court shall inform this Court accordingly, and the prosecution shall be at liberty to file an application for cancellation of bail.
- 7) Bail to be furnished before the Trial Court.

(NEERAJ P. DHOTE, J.)