



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO. 3271 OF 2025
IN APEAL/631/2025

PRAKASH ROHIDAS KOLI
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. A. R. Syed h./f. Mr. Sushil Pushpendra Pandit, Advocate for
Applicant;
Mr. A. D. Wange, APP for Respondent-State.

...
CORAM : NEERAJ P DHOTE, J.
DATE : 23rd DECEMBER, 2025

P.C.:-

1. This is an Application for suspension of sentence imposed by the learned Sessions Judge, Nandurbar in Sessions Case No.70 of 2023 by judgment and order dated 19.07.2025, convicting the Applicant/Appellant for the offences punishable under Section 307 of the Indian Penal Code (IPC) and sentencing him to suffer rigorous imprisonment for 6 years and fine of Rs.5,000/-, in default to pay fine and suffer rigorous imprisonment for 2 months.
2. Heard learned Advocate for the Applicant/Appellant, learned APP for the Respondent-State. With their assistance perused the evidence available on record.
3. It is the case of the prosecution that, there was enmity between the Applicant/Appellant and the injured, as the

Applicant/Appellant had earlier deposed in one case of Murder against the injured witness, which resulted in his conviction. Out of the said enmity, the Applicant/Appellant assaulted the injured on 22.09.2023 at about 9.00 a.m. in an agricultural field with a sickle. In the assault, the witness suffered injuries, for which she was hospitalised for five (5) days. As the incident was reported to the police, the crime came to be registered against the Applicant/Appellant under Section 307 of IPC. The charge-sheet was filed and after trial, the Applicant/Appellant came to be convicted as above.

4. The injured witness is examined as PW4. He deposed about the assault on him by the Applicant/Appellant by using the sickle on back, right ear, head, neck and lips. There can be no doubt that, the testimony of the injured witness stands on a higher pedestal. The medical evidence in the nature of testimony of the Medical Officer, who treated the injured is examined as PW7 and his evidence show that, all the seven (7) injuries suffered by the injured were simple in nature. Prima-facie, this gives rise to the possibility that, the Applicant/Appellant might not have intended to kill the injured and might intend to only cause injuries. From this, the possibility of the offence getting scaled down cannot be ruled out. The conviction is of six (6) years and the Applicant/Appellant is behind bars for a period of two (2) years and three (3) months. The Appeal is of the year 2025

and there is no possibility that, it would be heard finally in near future.

In this view of the matter, I proceed to pass the following order:-

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the learned Sessions Judge, Nandurbar in Sessions Case No.70 of 2023 vide the Judgment and order dated 19.07.2025 on the Applicant, by name, Prakash Rohidas Koli, for the offence punishable under Section 307 of IPC, is suspended during pendency of the Appeal.
- (iii) Applicant - Prakash Rohidas Koli be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iv) The Applicant–Appellant shall co-operate in early hearing of the Appeal.
- (v) The Applicant/Appellant shall not enter into the jurisdiction of the village, where the injured witness resides.
- (vi) Bail before the Trial Court.
- (vii) Application stands disposed off accordingly.

(NEERAJ P DHOTE, J.)