



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

904 CRIMINAL APPLICATION NO.3373 OF 2025
IN
CRIMINAL APPEAL NO.654 OF 2025

Tejas Suryakant Sirsat

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Shri. Sudarshan J. Salunke, Advocate for the Applicant

Shri. C. V. Bhadane, APP for the Respondent – State.

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CORAM : NEERAJ P DHOTE, J.

Dated : OCTOBER 01, 2025

PER COURT :-

. This is the Application for Suspension of substantive Sentence imposed by the learned Additional Sessions Judge, Ahmedpur, in Sessions Case No.27/2023 by Judgment and order dated 10.07.2025, by which the Applicant is convicted for the offence punishable under Section 304 Part-I of the Indian Penal Code, 1860 (for short, 'I.P.C.'), and sentenced to suffer Rigorous Imprisonment for Twelve (12) years and fine of Rs.3,000/- (Rs. Three Thousand), in default to undergo Rigorous Imprisonment for Three (3) months.

2. Heard the learned Advocate for the Applicant – Appellant and the learned APP for the Prosecution. Perused the evidence and the impugned Judgment.

3. The case of the prosecution, in brief, is that, on 14.04.2023 at about 07:00 a.m. the Informant saw dead body of Dhanraj Shirsat near the brick-kiln. The Informant informed his employer about the same,

who in turn informed the Police. The Crime was registered against the unknown person. During the investigation, it was revealed that, the Applicant and the Deceased were knowing each other and on 13.04.2023 at 11:20 a.m. they both had consumed liquor at R.K. Bar and Restaurant, Kingaon. After consuming the liquor, they both left together on the Motorcycle of the Applicant. The Applicant came to be arrested and the Articles, such as, Stone, Liquor Bottle, Plastic Bottle, Chappal etc came to be seized. The Appellant – Applicant was Charge-sheeted and he came to be tried and convicted, as above.

4. The Witness No.6 was the Waiter in the hotel, where the Deceased and the Applicant consumed liquor. His evidence show that, Deceased had consumed excess liquor. At 12:00 p.m. the Applicant and the Deceased left together on the Motorcycle. His cross-examination show that, he did not personally know the Deceased and the Applicant and at the time of the evidence also, he did not identify the Appellant – Applicant as the one who accompanied the Deceased. The other piece of evidence is in the nature of electronic evidence i.e. CCTV footages, of the hotel showing the blood on the face of the Deceased and Hotel Manager bringing the Deceased out of the hotel.

5. The learned Trial Court on considering the evidence on record observed as follows :

“39) In this factual scenario, specially evidence forthcoming by way of electronic evidence as well as PW10 Khandu Chaprale accused as well as deceased Dhananjay both of them consumed liquor in the R.K.Bar and restaurant. Accused also purchased liquor bottle with parcel. The accused has used stone which is lying on the place of occurrence itself. There is no material on record to show that there is any pre-mediation. Taking into consideration the referred aspects the possibility of offence being committed by the accused without pre-mediation in a sudden fight, in a hit of passion upon a sudden quarrel can not be ruled out. From the nature of

injury sustained by the deceased it can not be said that the accused has taken undue advantage or acted in a cruel or unusual manner. So the present case falls under Part-I of Section 304 of the IPC.”

6. The dead body was found in the morning of the next day i.e. 14.04.2023. The learned Trial Court in paragraph no.32 observed that, the Prosecution has not led sufficient evidence in regard to the Motive. As the evidence of PW-6 Waiter is shaky, the case largely rests on the circumstantial evidence. The C.A. Report shows that, no blood was detected on the half T-shirt and Full Pant i.e. Exh. ‘F’ and ‘G’, respectively of the Applicant – Appellant. *Prima facie* the Applicant – Appellant has arguable points and good case on merits. The Applicant is behind the bars for a period of 2 ½ (two-and-a-half) year. The Appeal is not likely to be finally heard in the near future. Record and Proceeding are awaited. In these circumstances, I am inclined to allow the Application. Hence, the following order.

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the learned Additional Sessions Judge, Ahmedpur, in Sessions Case No.27/2023 by Judgment and order dated 10.07.2025, on the Applicant, by name, Tejas Suryakant Sirsat for the offence punishable under Section 304 Part-I of the I.P.C., is suspended during pendency of the Appeal.
- (iii) The Applicant be released on bail on furnishing P. R. Bond of

Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iv) The Applicant shall not change the place of residence without intimation to this Court.

(v) The Applicant shall cooperate for early disposal of the Appeal.

(vi) Bail before the Trial Court.

(vii) Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP