



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO. 3906 OF 2025
IN APEAL/770/2025

Rajendra Balchandra Rathod

... Applicant/
Appellant

Versus

The State of Maharashtra

... Respondent

...

Mr. Sandip Ramnath Andhale, Advocate for Applicant/Appellant;

Mr. A. D. Wange, APP for Respondent-State.

...

CORAM : NEERAJ P DHOTE, J.

DATE : 11th DECEMBER, 2025

P.C.:-

1. This is an Application for suspension of sentence imposed by the learned Sessions Judge, Nandurbar in Sessions Case No.41 of 2022 by judgment and order dated 18.09.2025, convicting the Applicant/Appellant for the offence punishable under Section 304 (Part II) of the Indian Penal Code (IPC) and sentencing him to suffer rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default to pay the fine to suffer rigorous imprisonment for 2 months.

2. Heard learned Advocate for the Applicant/Appellant and learned APP for the Respondent-State. With their assistance, I have gone through the relevant evidence on record.

3. The case of the prosecution in brief is that there was civil dispute between the Informant and the Applicant/Appellant's family. On 04.02.2022, when the Informant was sitting on the Dnyaneshwar Mauli Chowk, the Applicant/Appellant came and started abusing him on account of construction of the house by making encroachment. The Applicant/Appellant-Accused caught hold the collar of the Informant and started assaulting him. In the meanwhile, the other 2 acquitted Accused came on the spot and started beating the Informant. At that point of time, deceased-Dipak came out of his house and intervened in this incident to save the Informant. The acquitted Accused caught hold of the deceased and the Applicant/Appellant kicked on the private part of the deceased, thereafter the deceased fell down. He was taken to the District Government Hospital, Nandurbar, where the Doctor declared him brought dead. The crime was registered, the investigation was done and charge-sheet was filed. After a full-fledged trial, the impugned judgment and order came to be passed.

4. The post-mortem report has shown the cause of death as "Shock due to Genital Injury, sample was kept for Accessory Examination Report". It has come in the evidence of the investigating officer, who is examined as PW10 that, when he had gone to the hospital, where deceased was taken, he came to know that the Applicant/Appellant was assaulted by knife on the day of the said

incident and was taken for treatment in the hospital.

5. The Applicant/Appellant has arguable points in the Appeal. The sentence awarded to the Applicant/Appellant is a term sentence of 10 years. The Applicant/Appellant was on bail during the trial and has undergone the sentence little less than 6 months. The Appeal is recently admitted and there is no possibility that, it would be finally heard in near future. Hence, I am inclined 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.41 of 2022 vide the Judgment and order dated 18.09.2025 on the Applicant/Appellant, by name, Rajendra Balchandra Rathod, for the offence punishable under Section 304 (Part II) of IPC, is suspended during pendency of the Appeal.
- (iii) Applicant/Appellant - Rajendra Balchandra Rathod be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount with the fine amount is deposited.
- (iv) The Applicant/Appellant shall co-operate in early

hearing of the Appeal.

(v) Bail before the Trial Court.

(vi) Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

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