



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

**924 CRIMINAL APPLICATION NO. 3944 OF 2025
IN
CRIMINAL APPEAL NO. 780 OF 2025**

1. Vishwas Raosaheb Jadhav,
Age: 62 years, Occupation: Agriculture,

2. Vikaram Vishwas Jadhav,
Age: 33 years, Occupation: Agriculture,

3. Satish Dilip Jadhav,
Age: 35 years, Occupation: Business,

4. Ganesh Dilip Jadhav,
Age: 41 years, Occupation: Business,

5. Bharat Raosaheb Jadhav,
Age: 51 years, Occupation: Business,

6. Dilip Raosaheb Jadhav,
Age: 70 years, Occupation: Business,

All R/o. Shiroy Wanjarwadi, Tq. Nilanga, Dist. Latur. Applicants

Versus

The State of Maharashtra Respondent

.....
Mr. S. J. Salunke, Advocate for the Applicants.
Mr. N. D. Batule, APP for the Respondent - State
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CORAM : NEERAJ P. DHOTE, J.

DATE : 14.10.2025

PER COURT :

1. This is an Application for suspension of the substantive sentence imposed on the Applicants / Appellants by the learned Additional Sessions

Judge, Nilanga, in Sessions Case No.63/2016, vide Judgment and Order dated 03/10/2025, convicting the Applicants / Appellants as follows :

“1. Accused No.1 Suresh Dilip Jadhav is convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860 vide Section 235(2) of the Criminal Procedure Code, 1973 and he is sentenced to suffer imprisonment for life and to pay fine of Rs. 10,000/- (Rs. Ten Thousand only) in default of fine, he shall suffer rigorous imprisonment for six months.

2. Accused No.1 Suresh Dilip Jadhav is convicted for the offence punishable under Section 506 of the Indian Penal Code, 1860 vide Section 235(2) of the Criminal Procedure Code, 1973 and he is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/- (Rs. Five Thousand only), in default of fine he shall suffer rigorous imprisonment for three months.

3. Accused No.1 Suresh Dilip Jadhav, No.2 Vishwas Raosaheb Jadhav, No.3 Vikram Vishwas Jadhav, No.4 Satish Dilip Jadhav, No.5 Ganesh Dilip Jadhav, No.6 Bharat Raosaheb Jadhav and No.7 Dilip Raosaheb Jadhav are convicted for the offence punishable under Section 147 of the Indian Penal Code, 1860 vide Section 235(2) of the Criminal Procedure Code, 1973 and each of them is sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.1,000/- (Rs. One Thousand only), in default of fine they shall suffer rigorous imprisonment for one month.

4. Accused No.1 Suresh Dilip Jadhav, No.2 Vishwas Raosaheb Jadhav, No.3 Vikram Vishwas Jadhav, No.4 Satish Dilip Jadhav, No.5 Ganesh Dilip Jadhav, No.6 Bharat Raosaheb Jadhav and No.7 Dilip Raosaheb Jadhav are convicted for the offence punishable under Section 323 r/w. 149 of the Indian Penal Code, 1860 vide Section 235(2) of the Criminal Procedure Code, 1973 and each of them is sentenced to suffer rigorous imprisonment for one year with fine of Rs.1,000/- (Rs. One Thousand only), in default of fine they shall suffer rigorous imprisonment for one month.

5. As the sentence for offence under Section 147 of Indian Penal Code, 1860 is passed, no separate sentence for offence under Section 143 of IPC is passed.

6. All the substantive sentences of accused persons shall run concurrently.

7. Accused No.1 Suresh Dilip Jadhav, No.2 Vishwas Raosaheb Jadhav, No.3 Vikram Vishwas Jadhav, No.4 Satish Dilip Jadhav, No.5 Ganesh Dilip Jadhav, No.6 Bharat Raosaheb Jadhav and No.7 Dilip Raosaheb Jadhav are acquitted of the offence punishable under Section

148, 504 r/w. 149 of the Indian Penal Code, 1860 vide Section 235 of the Criminal Procedure Code, 1973.

8. Accused No.2 Vishwas Raosaheb Jadhav, No.3 Vikram Vishwas Jadhav, No.4 Satish Dilip Jadhav, No.5 Ganesh Dilip Jadhav, No.6 Bharat Raosaheb Jadhav and No.7 Dilip Raosaheb Jadhav are acquitted of the offence punishable under Section 506 r/w. 149 of the Indian Penal Code, 1860 vide Section 235 of the Criminal Procedure Code, 1973.

9. Accused No.2 Vishwas Raosaheb Jadhav, No.3 Vikram Vishwas Jadhav, No.4 Satish Dilip Jadhav, No.5 Ganesh Dilip Jadhav, No.6 Bharat Raosaheb Jadhav and No.7 Dilip Raosaheb Jadhav to surrender to their bail bonds.

10. Set off under Section 428 of the Criminal Procedure Code, 1973 of the period of custody already undergone by accused Nos. 1 to 7 be given to them.

11. Accused are informed that they have right to file appeal against the judgment before the Hon'ble High Court.

12. Copy of this judgment be given to all the accused free of cost.

13. Muddemal Article A knife be sent to District Magistrate, Latur for disposal as per rules after the appeal period.

14. Muddemal Article B light green colour rounded T-shirt, Articles C1 and C2 shirt and black colour pant, Article D shirt, Article E clothe bag of yellow colour, Article F1 underwear, Article F2 baniyan, Article F3 dupatta and Article F4 handkerchief be destroyed after appeal period is over.

15. Muddemal Article G mobile phone be handed over to the original owner after appeal period is over

16 S. C. No.63 of 2019 stands disposed of accordingly.”

2. It is submitted by the learned Advocate for the Applicants that, the maximum sentence awarded by the learned Trial Court is that of two (02) years and the Applicants have paid the fine. The Applicants were on bail during the trial. Since the sentence is below three (03) years, the learned Sessions Court has suspended the same. He submits that, the Application be allowed.

3. The Application is strongly opposed by the learned APP for the Respondent – State. He submits that, the sentence may not be suspended.

4. The sentence awarded by the learned Trial Court is a term sentence. The Applicants were on bail during the trial, and their sentence is suspended by the learned Sessions Court for limited period. The Appeal will not come up for final hearing in the near future. Hence, the following order:

ORDER

[I] Criminal Application is allowed.

[II] The order of suspension of sentence passed by the learned Additional Sessions Judge, Nilanga, vide Judgment and Order dated 03/10/2025, in Sessions Case No.63/2019, to continue till the Appeal is finally decided.

[III] The Applicant shall co-operate in early disposal of the Appeal.

[IV] Bail before the Trial Court.

[V] Criminal Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/October-2025