

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

918 CRIMINAL APPLICATION NO. 4442 OF 2025
IN APEAL/893/2025

Sandip Shivaji Deore And Others

VERSUS

The State Of Maharashtra

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Mr. Mukul S. Kulkarni - Advocate for Applicant

Mr. B. A. Shinde - APP for State

...

WITH
CRIMINAL APPEAL NO. 893 OF 2025

...

CORAM : NEERAJ P DHOTE, J.

DATED : 02ND DECEMBER, 2025

PER COURT : -

1. Heard the learned Advocate for the Applicants/Appellants and the learned APP for the State. Perused the relevant evidence with their assistance.

2. The Applicants/Appellants are convicted and sentenced by the learned Additional Sessions Judge, Dhule, in Sessions Case No. 245 of 2019, by Judgment and Order dated 17.11.2025, as follows: -

"ORDER

(1) Accused Nos. (i) Sandip Shivaji Deore (ii) Vishal Shivaji Deore, (iii) Bhauaheb Bhatu Deore and (iv) Kiran Dadaji Deore, All R/o. Surpan Tal. Sakri Dist. Dhule, are hereby convicted for the offense punishable under Section 304 part II r/w Section 34 of the IPC vide Section 235 (2) of the Code of Criminal Procedure and they are sentenced to suffer Rigorous Imprisonment for a term of 5 years each and to pay fine of Rs. 10,000/- (Rs. Ten

Thousand Only) each. In default of payment of fine, they are sentenced to suffer Rigorous Imprisonment for one year.

- (2) Accused Nos. (i) Sandip Shivaji Deore (ii) Vishal Shivaji Deore, (iii) Bhauaheb Bhatu Deore and (iv) Kiran Dadaji Deore, All R/o. Surpan Tal. Sakri Dist. Dhule, are hereby convicted for the offense punishable under Section 323 r/w Section 34 of the IPC vide Section 235 (2) of the Code of Criminal Procedure and they are sentenced to suffer Rigorous Imprisonment for a term of 6 months each and to pay fine of Rs. 500/- (Rs. Five Hundred Only) each. In default of payment of fine, they are sentenced to suffer Rigorous Imprisonment for one month.*
- (3) Accused Nos. (i) to (iii) were in custody from 20/06/2019 to 13/12/2019, and Accused No (iv) was in custody from 20/06/2019 to 23/11/2019. Set off as per Section 428 of the Code of Criminal Procedure, be given to them for the period, undergone by them during the investigation and trial.*
- (4) Both the sentences to run concurrently.*
- (5) Accused Nos. (i) to (iv) shall surrender their bail bonds.*
- (6) Accused persons are hereby acquitted of the offense punishable under Section 302, 504, 506 r/w 34 of the I. P. C. vide Section 235 (1) of the Cr. P. C.*
- (7) Seized Muddemal Property, being worthless, be destroyed, after appeal period is over.*
- (8) Entire amount of fine, if recovered, be paid to informant Vishal Ratilal Sonawane, as compensation, after appeal period is over.*
- (9) Copy of this judgment be provided to accused, free of cost.*
- (10) Accused are made aware of their right to file appeal before the Hon'ble High Court against the judgment of conviction and sentence."*

3. The Prosecution's case is reproduced from the impugned Judgment and Order as follows:-

- “02. On 19/06/2019 around 9:30 pm P. W. 2 the informant Vishal Ratilal Sonawane and his father Ratilal Vishram Sonawane / deceased were about to sleep in the courtyard of their house by placing cots. At that time, accused No 3 and Uttam Vishram Sonawane, the uncle of informant were shouting loudly under the influence of liquor in the house of Uttam Sonawane. The informant’s father asked accused No. 3 to remain silent and let them sleep as they were exhausted due to agricultural work in the field for the whole day. On hearing that accused No 3 got furious and he slapped twice the informant’s father and hurled abuses in filthy language to him. The informant’s father also slapped accused No. 3. Then accused No. 3 left the spot on motorcycle in fit of anger.
03. It is alleged that at about 10:00 pm accused No. 3 again arrived there with his wife Anitabai and relatives namely accused No. 1 Sandip Deore, accused No. 2 Vishal Deore and accused No. 4 Kiran Deore. When the informant and his father were sleeping in the courtyard of their house, all the accused abused them in filthy language. When informant and his father attempted to give understanding to them, they inflicted repeated fist blows on the chest and stomach of informant’s father and threatened him to kill. At that time the relatives of informant rescued him and his father from the clutches of the accused persons. As the father of informant was severely injured, the informant and his relatives took him to Rural Hospital, Sakri in private vehicle. At 10:50 pm doctor Gohil after examination declared the informant’s father dead.”
4. The relevant evidence is that of PW2, who is son of the Deceased. His evidence show that, on the day of incident i.e.

19.06.2019, the Applicant/Appellant and others slapped the Deceased and the Deceased also slapped him and thereafter, the Applicants/Appellants beat him and his deceased father with hands and fists when they had slept. However, the final cause of death as per medical evidence is 'Coronary Artery Disease'. The sentence awarded by the learned Court is short term sentence. The Applicants/Appellants were on bail during the trial. Thus, total period of imprisonment till now is little over six (6) months. The Appeal is recently admitted and there is no possibility of Appeal being finally heard in the near future. In this view of the matter, the following order is passed:

ORDER

- [i]** The Application is allowed.
- [ii]** The sentence imposed upon the Applicants/Appellants by the learned Additional Sessions Judge, Dhule, in Sessions Case No. 245 of 2019, by Judgment and Order dated 17.11.2025, is hereby suspended till the final decision of the Appeal. The Applicants/Appellants be released on bail on their furnishing personal bond of Rs.15,000/- [Rupees Fifteen Thousand] each, with one or two sureties in the like amount.
- [iii]** Bail before the Trial Court.
- [iv]** The Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde

Signed by: Sandeep Gulabrao Punde

Designation: PS To Honourable Judge

Date: 02/12/2025 18:48:58