

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

919 CRIMINAL APPLICATION NO.4481 OF 2025  
IN APEAL/901/2025

Vishnu Laxman Londhe

....Applicant

**Versus**

The State of Maharashtra

.....Respondent

.....

Shri. Jaydeep S. Kadam, Advocate for the Applicant

Ms. A. S. Deshmukh, APP for Respondent – State.

.....

**CORAM : NEERAJ P. DHOTE, J.**

**Dated : DECEMBER 12, 2025**

**PER COURT :-**

. This is the Application for Suspension of substantive Sentence awarded by the learned Sessions Judge, Osmanabad by Judgment and Order dated 12.11.2025 in Sessions Case No.61 of 2021 convicting and sentencing the Applicant – Appellant as follows:

**“:: ORDER ::**

**1. Accused Vishnu Laxman Londhe** stands convicted for the offence punishable under Section 304-Part-II of the IPC; and to undergo rigorous imprisonment for Ten (10) years and he shall also be liable to pay fine of Rs.25,000/- (Rupees Twenty-Five Thousand Only) and in default of payment of fine to suffer simple imprisonment for One Year as per the procedure u/Sec.235(2) of Code of Criminal Procedure, 1973.

**2. Accused Vishnu Laxman Londhe** stands convicted for the offence punishable under Section 452 of the IPC; and to undergo rigorous imprisonment for Five (5) years and he shall also be liable to pay fine of Rs.10,000/- (Rupees Ten Thousand Only) and in default of payment of fine to suffer simple imprisonment for six months, as per the procedure u/Sec.235(2) of Code of Criminal Procedure, 1973.

*3. Accused **Vishnu Laxman Londhe** stands convicted for the offence punishable under Section 506 of the IPC; and to undergo rigorous imprisonment for Two (2) years and he shall also be liable to pay fine of Rs.10,000/- (Rupees Ten Thousand Only) and in default of payment of fine to suffer simple imprisonment for six months, as per the procedure u/Sec.235(2) of Code of Criminal Procedure, 1973.*

*4. Accused is on bail. His bail bond stands cancelled. Accused be taken into custody forthwith.*

*5. All the substantive sentences, shall run concurrently.*

*6. The accused is entitled for set off, for the period already undergone by him in jail as per Section 428 of Code of Criminal Procedure, 1973*

*7. Marked article being worthless and unmarked articles, if any, be destroyed after appeal period is over as per law.*

*8. Accused is informed about his right to appeal.*

*9. True copy of the judgment be provided to the accused free of cost.*

*10. The accused is also given understanding that he may approach the District Legal Services Authority, in case of need to challenge the judgment and order, if he desire so.*

*11. The copy of Judgment be forwarded to the District Magistrate of the local jurisdiction under Section 365 of Code of Criminal Procedure, 1973.*

*12. Record and proceeding of Sessions Case No. 61/2021 be consigned to record room.*

*13. Sessions Case No. 61/2021 stands disposed of accordingly.”*

2. The case of the Prosecution, in brief, is that, the Informant's Wife was set on fire on 10.08.2017 by the Applicant – Appellant, since she refused to accept his request for sexual favours when he had gone to their house. The Informant's Wife died during the treatment. On the Report lodged by the Husband of the Deceased, Crime bearing No. 156/2017 came to be registered with Bembli Police Station, Tal. & Dist. Osmanabad for the offence punishable under Sections 302, 452 and 506

of the Indian Penal Code.

3. It is submitted by the learned Advocate for the Applicant – Appellant that, the two Dying Declarations, one recorded by the Police and the other recorded by the Executive Magistrate, show that, the Deceased suffered accidental burn injuries. It is the Husband's version that, the Deceased had given oral Dying Declaration that the Applicant – Appellant set her on fire since she refused to accept his demand of sexual favour. He submits that, the Applicant – Appellant has good case on merits and he was on bail during Trial and therefore, the Application be allowed.

4. It is submitted by the learned APP that, there are Eye Witnesses, who saw the Applicant – Appellant coming out of the house of the Deceased on the day of incident and his shirt was burning. She submits that, there are other witnesses before whom the Deceased gave the oral Dying Declaration implicating the Applicant – Appellant. She submits that, there is evidence on record to show that the Applicant – Appellant had taken medical treatment for the burn injuries suffered by him. She submits that, the Application be rejected.

5. There is no dispute that, the Deceased's Statements were recorded on the very same day i.e. on 10.08.2017 when she suffered the burn injuries. One Statement is recorded by the Police and the other one is recorded by the Executive Magistrate. In both the said written Dying

Declarations, she stated of suffering accidental burn injuries. The oral Dying Declaration implicating the Applicant – Appellant is after four (4) days of the incident. The evidence of the witnesses examined, who had seen the Applicant – Appellant coming out of the house of the Deceased, are the Chance Witnesses and there is delay in recording their Statements. These aspects show that, the Applicant – Appellant has a good case on merits. The Applicant – Appellant was on bail during the Trial. In this view of the matter, the case for Suspension of Sentence is made out. Hence, the following order.

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the learned Sessions Judge, Osmanabad in Sessions Case No.61 of 2021 *vide* Judgment and Order dated 12.11.2025 on the Applicant, by name, Vishnu Laxman Londhe, 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 Only) with one surety in the like amount.
- (iv) Bail before the Trial Court.
- (v) Application stands disposed off.

( NEERAJ P. DHOTE, J. )

GGP