

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3157 OF 2025
IN
CRIMINAL APPEAL NO. 886 OF 2025

Sharad Dattatraya Waghamare ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi (Through V.C) a/w Mr. Yash Fadtare, Advocate for the Applicant
Mr. S. S. Chaudhari, APP for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 13th OCTOBER, 2025.

P.C.

1. Leave to add the first informant as party respondent. Amendment to be carried out forthwith.
2. By this Application, the applicant is seeking suspension of sentence.
3. It is contention of learned counsel for the applicant that the applicant has been convicted by the learned Additional Sessions Judge at Karad in Sessions Case No.17 of 2018 under Section 307 of Indian Penal Code (for short 'IPC') and sentenced to suffer rigorous imprisonment for seven years and pay fine of Rs.10,000/-, in default to suffer further rigorous imprisonment (R.I.) for one year. Learned

counsel further submitted that the applicant has been acquitted under Section 326 of IPC. Learned counsel further submitted that during trial, applicant was on bail. He has not misused the liberty. Initially the offence was registered under Section 326 of IPC but later on Section 307 of IPC was added. There was only one grievous injury suffered by the first informant but the trial Court has not marked the evidence correctly. The applicant has deposited the fine. The applicant is behind bar for more than two months. Hence, requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that the prosecution has proved the case beyond reasonable doubt. If applicant released on bail he may abscond or threaten prosecution witnesses and requested to reject the application.

5. I have heard both the learned counsels, perused the impugned judgment and order. During trial, the applicant was on bail. He has not misused the liberty. Initially the offence was registered under Section 326 of IPC, later on Section 307 of IPC was added. PW-10, Medical Officer, Dr. Paresh Patil in his cross examination has deposed that the victim did not disclose the alleged history to the Medical Officer during the medical examination and

that injuries suffered by the victim is possible even if person hits it against pole or fencing wire. As applicant was on bail during trial and he has not misused liberty. He is behind bar for more than two months. He is 23 years old. It may take time to dispose of the appeal. Considering these facts, I pass the following order.

ORDER

- (i) Interim Application is allowed;
- (ii) The sentence imposed on the applicant is hereby suspended till disposal of the appeal, subject to the applicant furnishing P.R. bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.
- (iii) The bail bonds to be furnished before the learned Sessions Judge.
- (iv) The Criminal Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)