

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1959 OF 2025
IN
CRIMINAL APPEAL NO. 1317 OF 2024**

Amol Jaywant Pawar	...Applicant
In the Matter in Between:	
Amol Jaywant Pawar	...Appellant
<i>Versus</i>	
The State of Maharashtra and Anr.	...Respondents

Mr. Aditya Raktade, a/w Mr. Anup Kamble, and Mr. Sujeet Nikam, *for the Applicant.*
Mr. Ravindra Parekar, *Jailor, Kolhapur Central Prison*
Ms. Gauri Rao, *APP for Respondent State*
Mr. Kishore Shinde, *PI, Karveer Police Station, Kolhapur*
Mr. Ansari Faiyaz i/b Mr. Amit Gharte, *for the Respondent No.2.*

CORAM	Dr. Neela Gokhale, J. Firdosh P. Pooniwalla, J. (Vacation Court)
DATED:	3 rd June 2025

PC:-

1. The present Interim Application seeks for temporary suspension of sentence of the Applicant for a period of six months for the purpose of medical treatment for his medical

condition.

2. The Applicant is convicted for the offences punishable under Section 302 and Section 201 of the IPC, 1860 by judgment and order dated 11th November 2024 passed by the Additional Sessions Judge, Gadhinglaj, Kolhapur in Sessions Case No. 13 of 2016. The Applicant is sentenced to suffer rigorous imprisonment for life and to pay Rs.20,000/-. In default of the fine, he is to suffer rigorous imprisonment for the further period of six months.

3. The Applicant has assailed the said judgment and order of conviction before this Court by filing the present Criminal Appeal.

4. Mr. Aditya Raktade, learned counsel appearing for the Applicant contends that he is in need of medical treatment for Chronic Lumber PID as he has a problem of Cervical C-4, C-5 and C-6 Foraminal Sterosis.

5. According to him he has already undergone a surgery and has recovered from the same. However, as per the advice of doctors, he is require to undergo a second surgery at the

earliest. Hence, he has made the present Application.

6. Ms. Gauri Rao, learned APP submits that the Applicant was out on furlough for a period of 27 days from 24th January 2025 to 20th February 2025 and thereafter, he was also on parole from 24th April 2025 to 2nd June 2025, on the ground that his wife required medical treatment.

7. She also placed before us a certificate from the doctor of the Applicant, Dr. Amar Desai dated 2nd June 2025 from Shri Renuka Multi-Speciality Hospital which indicates that the Applicant requires a second surgery as early as possible.

8. She also states that he has proper movement as of now and is able to independently perform regular activities. On instructions, she also submits that the jail authorities will provide the required medical facilities and will admit him in Chatrapati Pramila Raje Hospital, Kolhapur, which is a government hospital as soon as he surrenders as the period of his parole ends today.

9. She also submits that he had been released on parole on the ground of illness of his wife and at that time there was no

mention of the illness of the Applicant himself. She thus, refutes the prayer made by the Applicant.

10. Considering, that the Applicant has already been on furlough as well as parole, together for a period of 66 days, the Applicant is directed to surrender to the jail authorities concerned on the expiry of the parole term. The prison authorities shall get the Applicant admitted in the Chatrapati Pramila Raje Hospital, Kolhapur immediately on his surrender for further medical treatment as required and advised by the doctors.

11. In case the Applicant is not provided appropriate medical treatment at the Government Hospital or if there is any delay in the surgery, as required and advised by the Doctors, the Applicant is at liberty to make appropriate application before the appropriate Court, if necessary.

12. The Interim Application is accordingly disposed off on the aforesaid terms.

(Firdosh P. Pooniwalla, J.)

(Dr. Neela Gokhale, J)