



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPA] No.184 of 2024

in

Criminal Appeal No.107 of 2024

Amarraj s/o Jangluji Meshram

vs.

State of Maharashtra, through P.S.O. Parshivni, Tha, Parshivni, Dist. Nagpur

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. Mir Rizwan Ali, Advocate for the Applicant/Appellant.

Mr. S.A. Ashirgade, A.P.P. for the Non-Applciant/Respondent.

CORAM : **ANIL L. PANSARE & M.M. NERLIKAR, JJ.**

RESERVED ON : **12th AUGUST, 2025.**

PRONOUNCED ON : **14th AUGUST, 2025.**

Heard.

02. The present application under Section 389 of the Code of Criminal Procedure (Cr.P.C.) for suspension of sentence is filed by applicant- Amarraj Meshram, since he was convicted in Sessions Case No.234/2017 for the offences punishable under Sections 302 and 201 of the Indian Penal Code by the learned Additional Sessions Judge, Nagpur vide judgment and order dated 10/07/2023.

03. The prosecution case in nutshell is that the applicant and his wife deceased-Sonali were residing at Vishwas Nagar, Gittikhadan, Nagpur in one of the rooms of house owned by Gangadhar, father-in-law of the applicant. One John was also residing in another room of the said house. The applicant suspected illicit relationship between Sonali and John. Therefore, on 10/01/2017, in the morning hours, the applicant took Sonali on his motorcycle informing her father-Gandaghar that he would leave her to her workplace. The applicant took her to a secluded place and committed her murder by strangulating her with her stole and cutting her right hand's vein by a shaving blade.

04. This Court by an order dated 09/02/2024 was pleased to admit the appeal. We have heard the learned Counsel for the applicant as well as the learned A.P.P. for the State. We have also gone through the evidence placed on record.

05. The learned Counsel for the applicant submits that the case is based on circumstantial evidence and the circumstances as are discussed in the judgment are not duly proved, there are several missing links in the chain of circumstances. He further submits that though the death of deceased-Sonali was homicidal and caused due to strangulation and cutting right hand's vein by a shaving blade, there is no evidence to show that the murder was committed by the applicant on 10/01/2017. Therefore, the finding of the trial Court to that effect is perverse. He further pointed out that the evidence of last seen is of no consequence in view of the fact that the dead body was found after three days. Deceased-Sonali was seen in the company of the applicant on 10/01/2017 at about 08:30 a.m., whereas the dead body was found on 13/01/2017 and, therefore, there is no evidence on record to show the proximity between last seen theory and discovery of the dead body. This vital circumstance has not been considered by the trial Court while arriving at the conclusion that the murder of the deceased was committed on 10/01/2017.

06. On the contrary, the learned A.P.P. vehemently opposed the application by submitting that the relations between the applicant and the deceased were strained, as the applicant was suspecting her character. Therefore, the applicant has a strong motive to commit murder of the deceased. The applicant committed murder by strangulation and to ensure her death, he cut her right hand's vein. He further submitted that the deceased and the applicant were last seen together on 10/01/2017, which is of significance, as can be gathered from the evidence of PW-7, PW-8, PW-9 and PW-13. Further, there is a recovery of Topaz Company blade, which was used for cutting vein at the behest of the applicant from heap of garbage, near Bharat Petroleum Pump on National Highway No.7. Another

circumstance linking the applicant to the murder is that the applicant has also committed murder John, who he suspected to be her paramour, and two bodies were found at different places. All these circumstances are duly proved by the prosecution by adducing cogent evidence and, therefore, the applicant is not entitled for suspension of sentence.

07. Upon consideration of the rival submissions and after going through the evidence on record, *prima facie*, we find that the death of the deceased is homicidal. However, there is no proximity between the last seen theory and discovery of dead body which was recovered after three days. The medical evidence is also silent as to the time of death. This is a vital missing link in order to connect the theory of last seen with the murder of the deceased. Therefore, it is difficult to accept the date of death of deceased-Sonali was 10/01/2017. Thus, the applicant has an arguable case. Further, the applicant has already undergone eight years of imprisonment and the possibility of hearing the present appeal in near future is less.

08. Therefore, considering the above facts and circumstances, we are inclined to suspend the substantive sentence of the applicant. Hence, the following order:

ORDER

- i. The substantive sentence of the applicant is hereby suspended till conclusion of the appeal.
- ii. The applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and a solvent surety of like amount.
- iii. The applicant shall remain present as and when required by this Court.
- iv. The applicant shall report to the nearest Police Station once in a

month i.e. on third Sunday of every month in between 11:00 a.m. and 05:00 p.m.

- v. The application is allowed and disposed of in the above terms.

(M.M. Nerlikar, J.)

(Anil L. Pansare, J.)

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