



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

CRIMINAL APPLICATION (APPA) NO. 200 OF 2024
IN
CRIMINAL APPEAL NO. 110 OF 2024

Subhash Mahadev Sarware (In Jail) Vs State Of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.R. Vyas, counsel for applicant/appellant.
Mr. M.J.Kha, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/01/2025.

1. By this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.
2. The appellant was convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of ten years and fine of Rs.5,000/-.
3. Heard learned counsel, Mr. R.R. Vyas, for the appellant, who submitted that out of a family dispute, the alleged incident has occurred. The injured is the sister-in-law of the present appellant, and there is every likelihood of settlement in the near future. He further submitted that it is not the case wherein the appellant has, after preparing himself, assaulted the injured. Due to the sudden quarrel, the alleged incident has taken

place. Now, the appellant is behind bar for one and half years, and there is every possibility of disposal of the appeal in the near future. Considering the same, the execution of the sentence imposed be suspended and the appellant be released on bail.

4. Learned APP strongly opposed the said application and invited my attention towards the medical evidence and submitted that the nature of the injury sufficiently shows the intention of the present appellant to cause the grievous injuries. If she would not have received the timely treatment, she would have succumbed to the death. He submitted that the appeal can be disposed of finally. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the evidence, it reveals that there is a relationship between the injured and the present appellant. Due to the family dispute, the alleged incident has taken place. There is no dispute as to the fact that the injured has sustained the grievous injuries in the alleged incident. The opinion of the radiological expert shows the nature of the injury sustained by her. Admittedly, at this stage, re-appreciation of the evidence is not permitted. Only the aspect, which is to be seen whether the appellant has any chance of success in the present appeal.

6. Learned counsel for the appellant has further pointed out from the evidence of the injured that there are various infirmities in the evidence of the injured, and he has every chance of success in the present appeal. Admittedly, the appeal would take its own time for its final disposal. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] Application is allowed.
- b] The execution of the sentence passed in Sessions Case No. 49/2020 dated 12/01/2024 is hereby suspended till disposal of the appeal.
- c] The appellant shall be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- d] The appellant shall attend the Court of Additional Sessions Judge (Adhoc Court), Wardha on 5th of every month, and the concerned Court shall record his presence till disposal of the appeal.

7. The criminal application (APPA) No. 200 of 2024 is **disposed of**.

Criminal Appeal No.110 of 2024

1. The appeal is already admitted. The record and proceedings is already received. The appeal be listed for the final disposal after preparation of the paper-book.

[URMILA JOSHI-PHALKE, J.]