



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

CRIMINAL APPLICATION (APPA) NO. 1089/2024 IN
CRIMINAL APPEAL NO. 165/2020

(Arvind S/o. Baban Gawai Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.D. Raut, Advocate for applicant.
Mr. N. Joshi, APP for non-applicant/State.

CORAM: NITIN B. SURYAWANSHI AND
M. W. CHANDWANI, JJ.

DATED : 17/01/2025

Heard.

2. Applicant is convicted under Section 302 of the Indian Penal Code. By this application, applicant/appellant seeks suspension of substantive sentence of life imprisonment imposed on him by learned Sessions Judge, Buldana by judgment and order dated 06.02.2020 in Sessions Case No. 24/2019.

3. Heard learned Advocate for applicant, learned APP for the State and perused record. Learned Advocate for applicant submits that this is a case of circumstantial evidence and the chain of circumstances is not complete. There are omissions and contradictions in the evidence of the prosecution witnesses and therefore, applicant has a good case on merits and he may succeed, therefore prays for suspension of substantive sentence of imprisonment of applicant.

4. Learned APP on the other hand has opposed the application stating that there are clinching circumstances proved on record by the prosecution and the chain of circumstances is complete. The Trial Court has properly appreciated the evidence and has rightly convicted the applicant.

5. Perusal of record prima facie shows that, there is sufficient material on record to sustain the conviction of applicant. The applicant was last seen in the company of the deceased prior to the incident. Weapons of assault i.e. stick and rubber belt were recovered at the instance of applicant. Blood stained clothes of applicant were also seized during investigation. From the evidence brought on record by the prosecution, the Trial Court appears to have rightly convicted the applicant. In this view of the matter, we are not inclined to suspend substantive sentence and grant bail to applicant. Application is therefore, rejected.

6. However, appeal is expedited and it be listed for final hearing in Jail appeals category as per its turn.

(M.W. CHANDWANI, J.) (NITIN B. SURYAWANSHI, J.)