



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

CRIMINAL APPLICATION (APPA) NO. 485 OF 2025

IN

CRIMINAL APPEAL NO. 272 OF 2025

(Mukesh Vishnuji Anjankar

Vs.

State of Maharashtra, Thr. PSO, PS Loni-Takli, Tq. Teosa, District
Amravati)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Anil Mardikar, Senior Advocate a/b Mr. S.A. Kanetkar, Advocate for the Applicant/Appellant.

Mr. N.R. Rode, APP for the Non-Applicant-Respondent/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 30th JUNE, 2025

1. By this Application, the Applicant/Appellant seeking suspension of sentence and releasing him on bail during the pendency of the Appeal.

2. The Appellant has challenged the judgment and order of conviction passed by the Additional Sessions Judge, Amravati dated 13.05.2025 convicting the present Appellant for the offence punishable under Section 306 of IPC and sentenced to suffer Rigorous Imprisonment for 7 years and to pay fine of Rs.10,000/-, in default to suffer Rigorous Imprisonment for six months. He is further convicted for the offence punishable under Section 498-A of IPC and sentenced to suffer Rigorous Imprisonment for 3 years and to pay fine of

Rs.5,000/-, in default to suffer Rigorous Imprisonment for six months.

3. Heard Mr. Mardikar, learned Senior Counsel for the Appellant, who submitted that the punishment imposed is of a limited period. He has also invited my attention towards the inquest panchnama and submitted that during the inquest panchnama, no chit was found alongwith the deceased. The dead body of the deceased was floating on the water for 3 to 4 days and it was totally decomposed. During the post mortem, the chit was found inside the blouse of the deceased, which is seized subsequently by the Investigating Officer. He invited my attention towards the circumstance that the body was completely decomposed and it was floating in the water for approximately for 3 to 4 days. Considering the stage of decomposition of the dead body, he submitted that though the body was floating in the water, the chit was found as it is and the ink was neither spread nor damaged though it was in the water, it creates suspicion about the said chit and it is also not signed by anybody and the Trial Court has completely relied upon the said suicide note. Thus, he submitted that he has many arguable points in the present Appeal, the Appeal would take its own time for final disposal. In the meantime, if the sentence is executed then the appeal would become infructuous.

4. In support of the said contention he places reliance upon *Omprakash Sahni Vs. Jai Shankar Chaudhary & Anr., reported in (2023) 6 SCC 123*, wherein the Hon'ble Apex Court has observed while considering the application for

grant of suspension of sentence as under:-

“33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the Court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the Trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the above said question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually take very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the Court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The Appellate Court should not reappreciate the evidence at the stage of Section 389 of the CrPC and try to pick up few lacunas or loopholes here or there in the case of the prosecution. Such would not be a correct approach.”

5. Mr. Mardikar, learned Senior Counsel for the Appellant, submitted that considering that the Appellant was on bail during trial, he has not misused the liberty, punishment imposed is of a limited period and he has many arguable points in the present Appeal, the Application for suspension of sentence deserves to be allowed.

6. Learned APP for the Respondent/State, strongly opposed for the same and submitted that, the suicide note was found while conducting post mortem report alongwith the deceased, wherein specific allegations are levelled against

the present Appellant, the learned Trial Court has rightly appreciated the same. Thus, the Application is devoid of merits, and therefore, prayer for suspension of sentence deserves to be rejected.

7. After hearing both the parties and on perusal of the recitals of the Application as well as the depositions which are placed before this Court it reveals that, admittedly, while conducting the inquest panchnama no chit was found alongwith the deceased though she was examined by one of the lady panch. While conducting post mortem report alleged chit was found. It is pertinent to note that, the said suicide note was not damaged in any manner even the ink in the chit was not spread. Thus, there is a substance in the contention of the learned Senior Counsel for the Appellant. Admittedly, the Appellant has not misused the liberty, punishment imposed is also of a limited period and in view of the observations of the Hon'ble Apex Court in *Omprakash Sahni* (supra), the Application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

- i. Criminal Application (APPA) No. 485/2025, is hereby **allowed**.
- ii. The execution of the sentence passed in Sessions Case No. 208/2019, is hereby suspended till the disposal of the Appeal.

- iii. The Applicant/Appellant-Mukesh Vishnuji Anjankar, shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand), with one solvent surety in the like amount.

CRIMINAL APPEAL NO. 272 OF 2025

1. Heard.
2. ADMIT.
3. Call R & P.
4. Appeal be listed before this Court after preparation of the Paper Book.

(URMILA JOSHI-PHALKE, J.)