



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3900 OF 2025
IN APEAL/768/2025

JUBER FARUK TAMBOLI
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S. V. Natu, Advocate for the Applicant
Ms Saie S. Joshi, APP for the Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : April 29, 2026
PRONOUNCED ON : April 30, 2026

ORDER :-

1. The present application is for suspension of sentence awarded by the learned Additional Sessions Judge, Kopergaon, District Ahmednagar dated 04.09.2025 in Sessions Case No.48 of 2015, convicting the applicant for the offence under Section 307 of I.P.C.

2. Learned counsel for the applicant submitted that the applicant has been convicted for the offence under Section 307 of the IPC and sentenced to undergo seven years imprisonment.

According to him, including both pre-conviction and post-conviction detention, the applicant has already undergone almost one year of imprisonment. He further submitted that there are allegations of assault on a Security Officer posted at a girls' hostel. Although there are allegations of assault with a knife, the incident occurred abruptly and was neither premeditated nor carried out with any intention to commit the alleged offence. He also contended that there is no independent witness and that only interested witnesses have been examined. He pointed out that the applicant himself sustained injuries, for which the prosecution has offered no explanation. According to him, as the appeal is likely to take long time to be heard, he prays for suspension of sentence and grant of bail.

3. The learned APP strongly opposed the application, pointing out that the serious offence of attempt to murder has been proved. According to him, there are two independent injured witnesses. He submitted that merely for asking the applicant to leave the girls' hostel premises, a deadly weapon like a knife was used. The learned APP further pointed out that both the medical evidence and the direct eyewitness account were considered, and, finding them to be reliable and inspiring confidence, the learned trial court recorded

the conviction. Therefore, it being serious offence, learned APP by placing reliance on the judgment of Hon'ble Apex Court in the case of ***Omprakash Sahni Vs. Jai Shankar Chaudhary and another, (2023) LiveLaw SC 389***, prays for rejection of the application.

4. Heard. This is an application for suspension of sentence awarded by the learned Additional Sessions Judge, Kopergaon, District Ahmednagar, dated 04.09.2025 in Sessions Case No. 48 of 2015, convicting the applicant for the offence under Section 307 of the Indian Penal Code. The applicant was tried in Sessions Case No.48 of 2015 for commission of the offence under Section 307 of the Indian Penal Code. Ultimately, upon trial, by judgment and order dated 04.09.2025, the applicant was convicted, against which an appeal has been preferred. The appeal is of the year 2025. Now, suspension of sentence is sought, along with a prayer for bail, on the ground that the applicant has already undergone one year of imprisonment.

5. Taking into account the evidence on record, it appears that the applicant visited the girls' hostel, where PW-1, PW-2 and PW-4 were posted as security personnel. It appears that at around 5:00

p.m., the applicant visited the girls' hostel and sought permission to meet a girl from his village. The witnesses state that such a girl was called, however, she refused to meet the applicant. Thereafter, upon being questioned, the incident of assault allegedly occurred. It is stated that a knife was used and two security personnel who were attacked were required to be taken to the hospital. Their statements are on record. The knife is also said to have been recovered.

6. Taking into consideration the gravity of offence, background of occurrence, medical certificates and the above discussion, this Court does not find it a fit case to extend the benefit of suspension of sentence and grant bail. Therefore, the application stands rejected.

[ABHAY S. WAGHWASE J.]

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