

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4426 OF 2025
IN
CRIMINAL APPEAL NO. 795 OF 2025

RAJENDRA PANDURANG SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA

....
Advocate for the applicant : Mr. Sanket S.Palnitkar
A.P.P. for Respondent/State : Mr. M.A. Aher
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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : JANUARY 9, 2026

ORDER:-

1. Heard rival submissions.
2. By this application, the applicant, i.e. original accused No.3 in Sessions Case No. 1 of 2024 is seeking suspension of his substantive sentence of life imprisonment and his release on bail. Admittedly, the applicant was an Under Trial Prisoner and behind the bar since 02.10.2023.
3. As per the prosecution story, the present applicant along with other two accused on 01.10.2023 at 11.30 p.m. assaulted their own real brother Narendra Pandurang Suryawanshi by stick and stones at their residence on his head and caused his death.

4. The learned counsel for the applicant submits that the sole eye witness to the incident has not supported the case of the prosecution and the informant Padmavati, who is mother of all the accused as well as the deceased, also refused to support the case of the prosecution, but in the cross examinations gave certain admissions on the basis of which, the accused were convicted. According to him, the present applicant had only caught hold of the deceased, whereas the fatal blows were in fact given by accused No.1 Satyendra. He pointed out that, deceased had in fact picked up quarrel with Satyendra under the influence of alcohol and the present applicant was only trying to pacify the same.

5. On the contrary, the learned A.P.P. strongly opposed the submissions made on behalf of the applicant and submitted that, there were in all 29 injuries found on the person of the deceased indicating the brutality of the assault. According to him, the number of injuries is indicative of the fact that, all the accused in furtherance of common intention had assaulted the deceased. He also pointed out that, blood of the deceased was found on the clothes of the accused and despite hostility of eye witness, the learned Trial Judge has appropriately considered the circumstantial evidence on record leading to the guilt of all the accused.

6. Admittedly, the informant i.e. mother of the accused as well as

deceased had lodged report on the basis of information collected by her from her elder son Surendra i.e. accused No.2. She also established the contents of her report Exhibit 11. Moreover, from the *post mortem* report and the evidence of P.W.-6 Dr. Ravi More, it is evident that there were as many as 29 injuries found on the person of the deceased. However, on going through the report Exhibit 11 lodged by the mother of applicant, it reveals that the deceased had in fact abusing accused No.1 Satyendra under the influence of liquor. He even tried to assault Satyendra with the help of wooden log. The present applicant as well as another brother Rajendra had in fact caught Narendra and at that time Satyendra by snatching the wooden log from the hands of Narendra, assaulted him on his head and also hit his head against the stone lying on the floor. Thus, it clearly appears that the main role in this crime is attributed to Satyendra and not the present appellant/applicant.

7. Further, though the cause of death as per the Medical Officer PW-6 Dr. Ravi More is due to sustaining multiple injuries, but in the cross examination itself, this witness has clearly admitted that it is true that the person cannot be died of injuries, except injury Nos.1 to 5. Admittedly, these injuries are on the head of deceased and therefore, it can be inferred that, only Satyendra must have inflicted fatal injuries. Under these circumstances, considering the role of the present applicant in the crime, there is possibility of scaling down the degree

of offence against him. The appeal is not likely to be heard in near future. The applicant is also an Under Trial Prisoner and therefore, considering all these aspects, following order is passed.

ORDER

- (A) The application is allowed.
- (B) The substantive sentence of imprisonment of life imposed upon the applicant i.e. accused No.2 Rajendra Pandurang Suryawanshi in Sessions Case No. 1 of 2024 under judgment and order dated 01.10.2025, is hereby suspended during the pendency of this appeal.
- (C) The applicant is released on execution of P.R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- (D) The application is accordingly disposed of.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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