IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 1458 OF 2025
IN
CR. APPEAL NO. 378 OF 2025

Biru Namdev Pandhare ...Applicant

Versus

The State Of Maharashtra ...Respondent

Mr. Sudatta J. Patil i/b Mr. Shubham M. Patil, Mr. Pratik G. Tare, Mr. Gaurav S. Chandole and Ms. Sakshi Sanjay Kadam, Advocates for the Applicant.
Dr. Ashvini A. Takalkar, APP for the Respondent - State

Coram : Sharmila U. Deshmukh & Neeraj P. Dhote, JJ.

Date : October 01, 2026.

P. C. :

1. This is an Application for suspension of sentence imposed by the learned Additional Sessions Judge, Pandharpur, in Sessions Case No.57/2014 vide Judgment and Order dated 17.03.2025, convicting and sentencing the Applicant / Appellant as follows :

> *"**1.** The accused No.11 Biru Namdev Pandhare is hereby convicted under section 235 (2) of the Cr.P.C., (Sec.258 (2) of Bhartiaya Nagarik Suraksha Sanhita) of the offence punishable under section 302 of Indian Penal Code and he is sentenced to suffer imprisonment for life till remainder of his life and he shall pay fine of Rs.5,000/-(Rupees Five Thousand each), in default to undergo further simple imprisonment for six months.*

2. *Accused No.11 Biru Namdev Pandhare is hereby convicted under section 235 (2) of the Cr.P.C., (Sec.258 (2) of BNSS) of the offences punishable under section 201 of Indian Penal Code and he is sentenced to suffer imprisonment for three years and he shall pay fine of Rs.2,000/-(Rupees one Thousand), in default to undergo further simple imprisonment for two months.*

3. *Accused No.11 Biru Namdev Pandhare is hereby convicted under section 235 (2) of the Cr.P.C., (Sec.258(2) of BNSS) of the offence under Sec.3 punishable under section 25 of the Arms Act and he is sentenced to suffer simple imprisonment for two years and he shall pay fine of Rs.1,000/-(Rupees one Thousand), in default to undergo further simple imprisonment for one month.*

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2. It is the case of the Prosecution that, due to the land dispute between the Deceased and her family on one side and the Applicant / Appellant and his family on the other side. On 19.07.2014, when the witnesses were levelling the disputed land, the Applicant / Appellant and his family members came on the spot. The quarrel took place between both the sides. The quarrel took a violent turn. The Applicant / Appellant shot Ujwala from his firearm. The firearm injury proved fatal. The incident was reported to the Sangola Police Station, and Crime No.232/2014 came to be registered for the offence punishable under

Sections 302, 307, 143, 147 and 149 of the Indian Penal Code, 1860 [hereinafter referred to as 'IPC'], Section 3/25 of the Arms Act, 1959 [hereinafter referred to as 'the Arms Act'], and Section 135 of the Bombay Police Act, 1951 [hereinafter referred to as 'the said Act'] against the Applicant / Appellant and twelve (12) others. The charge-sheet came to be filed after completion of the investigation. After a full-fledged trial, the impugned Judgment and Order came to be passed.

3. It is submitted by the learned Counsel for the Applicant / Appellant that, there are inconsistencies in the testimony of the eyewitnesses examined by the Prosecution. The firearm is not recovered / discovered, and so the evidence of eyewitnesses do not find corroboration. There is no evidence to show that, the death was caused by the use of the firearm of the Applicant / Appellant. He further submits that, the Applicant / Appellant is behind bars for a period of more than ten (10) years. He submits that, the Application be allowed and the Applicant / Appellant is ready to abide by any conditions that may be imposed.

4. The Application is opposed by the learned APP. She submits that, the Prosecution's case is based on the testimony of the eyewitnesses, which is consistent. The case of the Prosecution is duly corroborated by the medical evidence. She submits that, considering the nature of the

offence, this is not a fit case to grant bail and suspend the sentence.

5. The learned Trial Court has imposed punishment in the nature of life imprisonment till the remainder of Applicant's life, for the offence punishable under Section 302 of IPC. The learned Counsel for the Applicant / Appellant submits that, such sentence is not provided under the statute and cannot be awarded by the learned Trial Court. He places reliance on the Judgment of the Hon'ble Supreme Court of India in **Naval Kishore and Another Vs. State of Punjab; 2026 SCC Online SC 2000** in support of the said contention. It is not in dispute that, the Applicant / Appellant is behind bars for a period of more than ten (10) years. The Appeal is of 2025 and not likely to be heard finally in the near future. Therefore, without touching the merits of the matter, we allow the Application on the ground of long incarceration. Hence, the following order :

ORDER

[a] The Application is allowed.

[b] The substantive sentence imposed by the learned Additional Sessions Judge, Pandharpur, in Sessions Case No.57/2014 vide Judgment and Order dated 17.03.2025 on the Applicant / Appellant, is suspended during pendency of the Appeal.

[c] Applicant - Biru Namdev Pandhare be released on bail on furnishing P. R. Bond of Rs.25000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

[d] The Applicant shall cooperate with this Court for early hearing of the Appeal.

[e] Bail before the learned Trial Court.

[f] Application stands disposed of accordingly.

[Neeraj P. Dhote, J.] **[Sharmila U. Deshmukh, J.]**

RAJU DATTATRAYA GAIKWAD
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Date: 2026.10.01 18:47:57 +0530