

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

**INTERIM APPLICATION NO. 1460 OF 2024
IN
CRIMINAL APPEAL NO. 213 OF 2024**

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Bhauso Vasantao Patil

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Onkar Bajaj i/b Priyal Sarda, Advocates for the Applicant.
Mr. Avinash A. Naik, Additional Public Prosecutor for the
Respondent-State.

.....

**CORAM : SHREE CHANDRASHEKHAR, CJ &
MADHAV J. JAMDAR, J.**

DATE : 23rd APRIL, 2026.

P. C. :

1. The appellant who has been convicted and sentenced to rigorous imprisonment for life under Section 307 of the Indian Penal Code in Sessions Case No.29 of 2006, is seeking suspension of sentence during pendency of Criminal Appeal No.213 of 2024.

2. Opposing the prayer seeking suspension of sentence, Mr. Naik, the learned Additional Public Prosecutor submits that there is a judgment of conviction which is based on direct evidence tendered by the informant, who was examined as PW-1 in the trial.

3. The appellant has remained in custody for 4 years and

about 7 months and has earned remission of 349 days. The case of the prosecution hinges on evidence of the informant, who admitted in the cross-examination that the appellant did not abuse him at the time of the occurrence. He on seeing assault on Mohan Patil went to his house and informed his wife and the son. He thereafter took Mohan Patil to the hospital at Islampur and then lodged a complaint at the police station. In the trial, the prosecution examined 7 witnesses out of whom, all witnesses turned hostile and did not support the prosecution story. This is also an important factor which needs to be considered that the Investigating Officer of the case was not examined. The defence was, therefore, handicapped to elicit material information from the informant, who claims himself as eye-witness. The sessions Judge has recorded his finding that the relationship between the informant and the appellant was strain. We also find that the informant was evasive in cross-examination and tendered evidence in such a manner which would cast a serious doubt on his testimony.

4. Having regard to the aforementioned facts, we have formed a opinion that the appellant has made out a case for suspension of sentence.

5. Therefore, we order that the appellant namely-Bhauso Vasantrao Patil shall be released on bail on furnishing two sureties in the sum of Rs.15,000/-, if not required in connection with other offences.

[MADHAV J. JAMDAR, J.]

[CHIEF JUSTICE]