

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

CRIMINAL APPEAL (ST.) NO. 1272 OF 2026

**WITH
INTERIM APPLICATION NO. 226 OF 2026
IN
CRIMINAL APPEAL (ST.) NO. 1272 OF 2026**

Shatrughna @ Sharad Sugriv Sarvade

... Appellant

Versus

The State of Maharashtra & Anr.

... Respondents

.....

Mr. Amit Sale i/by Mr. Aditya Raktade a/w Mr. Sudhir Patil,
Advocate for the Appellant.

Mr. P. P. Deokar, Additional Public Prosecutor for the State-
Respondents.

Mr. Abhijit More, Police Constable, Satara Taluka Police Station
is present.

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

DATE : 23rd APRIL, 2026.

P.C.:

INTERIM APPLICATION NO. 226 OF 2026

The suspension of sentence application has been moved by
convict who has suffered the judgment of conviction under

section 302 of the Indian Penal Code.

2. Mr. Sale, the learned counsel for the appellant submits that the circumstance of running away from the scene of occurrence with an axe in hand, as proved by the prosecution, shall not be conclusive proof of his guilt. The allegation of illicit relationship between the wife of the appellant and the deceased is not proved, inasmuch as the wife of the appellant turned hostile and did not support the prosecution case. Moreover, the appellant has remained in custody for about five years and is, therefore, entitled to suspension for sentence.

3. Mr. Deokar, the learned Additional Public Prosecutor, would oppose the prayer for bail through suspension of sentence on the ground that the guilt of the appellant has been established during the trial and there is a judgment of conviction against him.

4. On the basis of the statement given by Mr. Pratik V. Gavali, a crime vide First Information Report No. 285 of 2021 was registered against the appellant for committing murder. In the trial, the prosecution examined altogether ten witnesses, out of whom Dr. Sudhir Vitthal Karwande tendered evidence as PW-9 and stated in the Court that the death had occurred on account of hemorrhage and shock due to cut injuries on the throat of Manohar Kamble. The Sessions Judge found the circumstances proved by the prosecution forming a complete chain and convicted him under section 302 of the Indian Penal Code.

5. There seems to be no plausible explanation coming forth from the appellant as regards incriminating circumstances

proved by the prosecution against him. There is evidence against the appellant coming within the sweep of section 27 of the Indian Evidence Act inasmuch as, on the disclosure statement made by the appellant article numbers 'E' and 'F' were seized. There is another strong circumstance against to appellant of running away from the place of occurrence with an axe in his hand immediately after the incident.

6. After having a glance to the judgment in Sessions Case No.135 of 2021, we do not find any ground to form an opinion that the judgment rendered against the appellant suffers from any infirmity so as to entertain this application seeking suspension of sentence, which is dismissed.

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1. Admit.
2. Call for lower Court's record and proceeding.

[MADHAV J. JAMDAR, J.]

[CHIEF JUSTICE]