

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

CRIMINAL INTERIM APPLICATION NO. 275 OF 2026

OMKAR TUKARAM KHULE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellants : Mr. Viraj V. Nalawade, Mr. Sangramsinh
Yadav, Mr. Girish Mujumdar, Ms. Sharvari Tipugade
Advocate for Respondent No.1 : Dr. Ms. A. A. Takalkar
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-05-2026

PER COURT:-

1. Heard.
2. Issue notice, returnable on 29.06.2026.
3. Learned A.P.P. waives service of notice for respondent No.1.
4. By this *interim* application, the applicants seek suspension of sentence awarded in judgment and order rendered by the learned Sessions Judge, Solapur, in Sessions Case No.18 of 2019, dated 13.04.2026.
5. The applicants are convicted by the trial court for the offence punishable under Sections 307 of the Indian Penal Code, 1860. The sentence awarded to the applicants by the trial Court is as under :

1. Accused No.1 Omkar Tukaram Khule and accused no.2 Tukaram @ Munna Pandurang Khule are found guilty for the offence punishable under Section 307 read with section 34 of the Indian Penal Code vide Section 235 (2) of the Code of Criminal Procedure.
2. Accused No.1 Omkar Tukaram Khule and accused no.2 Tukaram @ Munna Pandurang Khule are convicted for the offence punishable under Section 307 read with section 34 of the Indian Penal Code vide Section 235 (2) of the Code of Criminal Procedure and sentenced to simple imprisonment of five years and to pay fine of Rs. 5,000/- (Rs. Five Thousand only) each. In default of payment of fine, they shall undergo simple imprisonment for three (03) months.
3. The period of inquiry, investigation and trial undergone by accused No.1 since date of arrest of accused No. 1 i.e., on 20/06/2018 till 06/10/2018 and accused No. 2 since 21/12/2018 till 07/01/2019, be set off vide Section 428 of the Code of Criminal Procedure.

6. Learned counsel for the applicants submits that the trial court's judgment is contrary to the law and the evidence on record. The judgment and order under challenge is based on erroneous conclusion and not in accordance with law. The learned trial Court has not properly appreciated the evidence on record. There is substantial delay in registering the first information report and said delay has not been justified by the prosecution. It is contended that the trial court erred in convicting the applicant under Section 307 of the Indian Penal Code. Hence, the order under challenge is liable to be quashed and set aside.

7. It is contention of learned APP that prosecution has proved the case beyond reasonable doubt. The learned trial Court has

rendered a well reasoned order and no interference is required in it. Hence, prayed to reject the application.

8. Having heard both learned counsel and perused the impugned judgment, I find that the applicant remained on bail during the trial without misusing the liberty. Considering that the applicant are awarded a short-term sentence of simple imprisonment and the conclusion of the appeal may likely to take a considerable period, the sentence deserves to be suspended. Hence, the order:-

ORDER

- (i) The criminal interim application No. 275 of 2026 is allowed.
- (ii) The sentence awarded in judgment and order rendered by the learned Sessions Judge, Solapur, in Sessions Case No.18 of 2019, dated 13.04.2026, is hereby suspended.
- (iii) The applicants/accused be enlarged on bail on furnishing PR Bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand) each, and one solvent surety, in the like amount, before the concerned Sessions Judge, Solapur.
- (iv) Applicants shall mark presence before the concerned Sessions Court, once in three months on the date assigned by the concerned Court.
- (v) The criminal interim application is disposed of accordingly.

[SACHIN S. DESHMUKH, J.]