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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4168 OF 2025
IN
CRIMINAL APPEAL NO. 1083 OF 2025**

Dilip Vitthal Bhoir @ Chotam

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Ashok Mundargi, Senior Advocate a/w. Mr. Sandeep Kekane, Mr. Akash Kavade, Mr. Yasir Khan and Mr. Viral Babar, for the Applicant.

Mr. P.P.Jadhav, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th JANUARY, 2026.

P.C. :

1. The Applicant/Accused No.1 has preferred this Interim Application seeking to stay the conviction dated 30.10.2025 imposed by the learned Sessions Judge by the Judgment and Order in Sessions Case No. 78 of 2013, pending disposal of the Criminal Appeal. The Applicant has been convicted for offences punishable under Sections 307, 452, 324, 323, 504, 506, 427, 143, 144, 147, 148 and 149 of the Indian Penal Code (for short, "IPC").

2. Learned Senior counsel for the Applicant submitted that the Applicant has been declared as a candidate for the forthcoming Zilla

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Parishad Elections, 2026, and continuation of the conviction would result in serious consequences, including disqualification from contesting the election. He further submitted that the conviction is mainly based on the testimony of the first informant and other interested witnesses, and no independent witnesses have been examined, despite the incident having occurred at busy public place. He further submitted that there is no recovery of weapon at the instance of the Applicant nor there is direct evidence connecting him with the alleged assault. The Medical Officer has opined that all injuries sustained by the witnesses are simple in nature and could have been caused due to a fall, manhandling, or a general scuffle. It is contended that although about 25 persons are alleged to have assaulted six witnesses, the absence of any serious injury indicates that the offence under Section 307 of the IPC is not made out. Hence, requested to allow the Application.

3. Learned APP opposed the application and submitted that the offences are serious in nature and the trial court has recorded findings of guilt against the Applicant after appreciating evidence on record. He submitted that there were multiple assaults and injuries caused to the victims. The Applicant has criminal antecedents and criminal proceedings are pending against him before competent courts, and requested to reject the Application.

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4. I have heard both the learned Counsel, perused the impugned Judgment and Order.

5. It is well settled that stay of conviction is not to be granted as a matter of course and can be exercised only in exceptional circumstances. At the same time, the Hon'ble Supreme Court in *Afjal Ansari v. State of UP*¹ has held that where non-grant of stay to conviction would lead to irreversible consequences, particularly disqualification from elections, the Appellate Court is empowered to grant such relief, specifically noting that disqualification of an elected representative creates an "irreversible" situation that cannot be undone even if the conviction is later set aside

6. In the present case, *prima facie* perusal of the record indicates that except for simple injuries, no other injuries are caused in order to infer any intention of the Applicant to kill any of these witnesses. In the present case, if about 25 persons are alleged to have assaulted the injured witnesses, there would ordinarily be serious injuries on their persons, which is not the case here.

7. Further, it is not in dispute that the Applicant has been declared as a candidate for the Zilla Parishad Elections, 2026, and if the conviction is allowed to operate during pendency of the appeal, the Applicant would suffer irreparable prejudice, as the statutory disqualification would come

¹ *Afjal Ansari v. State of U.P.*, (2024) 2 SCC 187

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into effect, which cannot be undone even if the appeal ultimately succeeds.

8. In the view of above, this Application falls within the category of exceptional circumstances warranting exercise of discretion under Section 389(1) of the Code of Criminal Procedure to stay the conviction itself.

ORDER

- (i) The Interim Application is allowed.
 - (ii) The conviction imposed upon the applicant by Judgment and Order dated 30.10.2025 passed by the learned Sessions Judge in Sessions Case No. 78 of 2013 is suspended during the pendency and final disposal of the above criminal appeal.
9. Interim Application is disposed of.
10. All concerned to act on an authenticated copy of this order.

(SHIVKUMAR DIGE, J.)