



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO.648/2022

Pandurang Ukharda Sawarkar and another

Vs.

**The State of Maharashtra, Through its Police Station Officer, Police
Station Jalamb, Tq. Khamgaon, Dist. Buldhana**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.S. Nayak, Advocate (Appointed) for appellants
Mr. S.S. Hulke, APP for Respondent

**CORAM: ANIL L. PANSARE, AND
 NIVEDITA P. MEHTA, JJ.**

DATED : 5th JANUARY, 2026

CRIMINAL APPLICATION (APPA) NO.274/2025

1. The applicants (original respondent Nos.2 and 3) have filed application under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (Under Section 389 of the Code of Criminal Procedure), seeking suspension of sentence.

2. Briefly stated allegations are that the applicants along with one Wasudeo, brother of the applicant no.2 on 19th August, 2017 at village Makta in furtherance of common intention committed murder of Gajabai Atmaram Dolare by means of axe.

3. We have heard Mr. Nayak, learned counsel (appointed) for the applicants and Mr. Hulke, learned APP for the respondent / State. We have gone through the material placed before us. PW 1 is the son of deceased. His testimony indicates that five days prior to

the incident, there occurred quarrel between his parents and the accused persons on account of grazing goats. The co-accused had beaten PW 1's parents by means of stick. The deceased had sustained head injury and PW 1's father sustained injury on his hand. The police report to that effect was lodged. Thereafter, on 18th August, 2017, PW 1 was informed by the villagers that the applicants and the co-accused had informed them that they will kill his parents. Ultimately, on 19th August, 2017, the applicants and co-accused had committed murder.

4. The applicants have caught hold hands of the deceased. The co-accused inflicted injury by means of axe on the person of the deceased. The vital parts of the body were targeted. PW 1 and two others had witnessed the incident. Nothing has been brought on record in the cross-examination to disbelieve their testimonies. That being so, we are not inclined to suspend the sentence imposed against the applicants. The application for suspension of sentence is accordingly rejected.

CRIMINAL APPLICATION (APPA) NO.102/2025

1. By present application, the applicants are praying for early hearing.

2. Considering the pendency of the appeals, it will be not possible for us to take up the appeal of the year 2022 for final hearing particularly when the appeals of prior years including the year of 2006 are pending before the Court. The application is rejected.

CRIMINAL APPEAL NO.648/2022

List the appeal in due course.

(NIVEDITA P. MEHTA, J.)

(ANIL L. PANSARE, J.)

MP Deshpande