

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3165/2020

(Arising out of impugned final judgment and order dated 14-01-2020 in CRA No. 3994/2019 passed by the High Court Of Judicature At Bombay At Aurangabad)

KACHARU BALAJI KOTKAR

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No. 63223/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 63213/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 63214/2020 - EXEMPTION FROM FILING O.T. and IA No. 76981/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-11-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. Anand Dilip Landge, AOR
Mr. Vijay R. Gundecha, Adv.

For Respondent(s)

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the parties.

This special leave petition has been filed against order dated 14.01.2020, by which the application for suspension of substantive sentence and for bail was rejected. The petitioner has been convicted for an offence punishable under Section 302 read with Section 34 of the IPC.

Learned counsel for the petitioner submits that the petitioner is more than 80 years of age. To support this, he referred to the

statement of the petitioner recorded under Section 313, CrPC on 07.09.2018, where he mentioned his age as 80 years.

Learned counsel for the petitioner submits that the appeal filed in the High Court is of the year 2019 and it will take sufficiently long time for hearing the appeal. He referred to para 3 of the judgment passed by the High Court that, "...the present applicant has crossed age of 80 years. He being a senior citizen, the present appeal can be given priority."

In the facts of the present case, we are of the view that the sentence imposed on the petitioner be suspended and he may be released on bail on such terms and condition as may be fixed by the Trial Court.

The special leave petition is disposed of accordingly.

Pending applications stand disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
COURT MASTER