

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Criminal Application No. 3576 of 2015
In
Criminal Revision Application No.113 of 2015**

Yogesh s/o Ranba Garud. **.. Applicant.**

Versus

The State of Maharashtra. **.. Respondent.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. U.H. Bhogle, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 17th JULY 2015

ORDER:

1) The application is filed for suspension of substantive sentence given by the learned Additional Sessions Judge for offence punishable under section 307 of Indian Penal Code. Maximum sentence of rigorous imprisonment of 5 years is given. Fine amount is also imposed. Statement is made by learned counsel for the applicant/convict that entire fine amount has been deposited. Learned Additional Public Prosecutor is heard.

2) Submission is made by the learned counsel for the applicant that during trial and during appeal period also the applicant was on bail. It appears that the convict was taken in custody on the date when the appeal was decided and since then he is in jail. In view of these circumstances this Court holds that the substantive sentence needs to be suspended.

3) In the result, the application is allowed. Substantive sentence is suspended. The applicant is to be released on bail on his furnishing PR and SB of Rs.15,000/-. The application is disposed of. Call Record and Proceeding from the Court of the Assistant Sessions Judge and copy of paper book from the Sessions Court. List the matter for final hearing after receipt of the record.

Sd/-
(T.V. NALAWADE, J.)

rs1