

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CRIMINAL APPELLATE JURISDICTION

## CRIMINAL APPLICATION NO.389 OF 2015

## IN

## CRIMINAL APPEAL No.382 OF 2015

Ganesh Dharmu Sawant

.. Applicant

*Versus*

The State of Maharashtra

.. Respondent

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Mr.Rahul K. Dhaigude,, Advocate for the applicant.

Mrs.Anamika Malhotra, APP for the Respondent State.

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**CORAM : ABHAY M. THIPSAY, J.****DATED : 20<sup>th</sup> APRIL, 2015**

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**P.C. :**

1           The Appeal filed by the applicant challenging his conviction and sentence imposed upon him has just now been admitted.

2           By the present application, the applicant is seeking suspension of the sentence imposed upon him, and his release on bail till the final disposal of the Appeal.

3           The applicant was tried along with four others on the allegation of having committed an offence punishable under section 302 of the IPC read with section 149 of the IPC.

4           The others have been acquitted by the trial court. The appellant has been found guilty of an offence punishable under section 324 of the IPC. The fatal blow appears to have been given by one Shankar, who is a juvenile, and as such, is being tried separately. The appellant was on bail during the trial. It is nobody's case that he has misused the liberty granted to him. He has been released on bail by the trial court after conviction.

5           Considering all the relevant aspects of the matter, I am inclined to suspend the sentence imposed upon the appellant.

6           Pending the hearing and final disposal of the Appeal, the substantive sentence imposed upon the appellant, shall stand suspended, and the appellant shall be allowed to remain on the same bail, as granted by the trial court, but on executing a fresh bond, on the condition that the appellant shall report to the trial court on the first Monday of each calendar month till the disposal of the Appeal. Should the trial court be closed on any given Monday or due to holiday, the appellant shall report to the trial court on the next working day.

7           Any default by the applicant in reporting to the trial court, as aforesaid, shall forthwith be brought to the notice of this Court by the trial court.

8           Application is disposed of accordingly.

**(ABHAY M.THIPSAY, J)**