

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

CRIMINAL APPEAL NO.372 OF 2015

Ramesh S/o Natthuji Bante

..vs..

The State of Mah., thr PSO, PS Ner, Yavatmal

.....
 Office Notes, Office Memoranda of Coram,
 appearances, Court orders or directions
 and Registrar's orders

Court's or Judge's Order

Shri P.A. Rajurkar, counsel for the appellant.
 Shri S.S. Doifode, Addl.P.P. for the NA/State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 27, 2015.

Heard.

ADMIT.

The record and proceedings be called for.

Criminal Application (APPA) No.683 of 2015

Heard.

By this application under Section 389 of the Criminal Procedure Code, the applicant seeks suspension of sentence and grant of bail.

By the judgment and order passed by learned Sessions Judge, Yavatmal on 29.9.2015 in Session Case No.30 of 2014 the present applicant is convicted for the offence punishable under Section 304(II) of the Criminal Procedure Code and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.1,000/- in default to undergo further simple

imprisonment for one month.

Today, this Court has admitted the criminal appeal filed on behalf of the present applicant.

Learned counsel for the applicant submits that the applicant was on bail during trial and at no point of time he misused the liberty. He further submits that after conviction, learned Sessions Judge has exercised the judicial discretion under Section 389(3) of the Code of Criminal Procedure. He further submits that the fine amount has already been paid by the present applicant.

Looking to the duration of jail sentence imposed upon the present applicant and since it will not be possible for this Court to take up the criminal appeal of the applicant for its final hearing in near future, the applicant is entitled for grant of bail from this Court. Hence, the following order :

ORDER

1] Criminal Application (APPA) No.683 of 2015 is allowed.

2] The substantive jail sentence imposed upon the present applicant, by the judgment and order passed by learned Sessions Judge, Yavatmal on 29.9.2015 in Session Case No.30 of 2014 convicting the present applicant for the offence punishable under Section 304(II)

of the Criminal Procedure Code and sentencing to suffer rigorous imprisonment for three years and to pay a fine of Rs.1,000/- in default to undergo further simple imprisonment for one month, stands suspended pending disposal of the criminal appeal.

3] The applicant shall be released on bail on his executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

4] Bail before the Trial Court.

5] The applicant is directed to remain present before this Court at the time of final hearing of the criminal appeal.

With these directions and observations, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-