

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1004 OF 2016
IN
CRIMINAL APPEAL NO.76 OF 2016

Hitesh s/o. Tansukhlal Sheth,
Age 40 years, Occ. Business,
r/o. Giri Vihar Colony,
Nandurbar ..Applicant

Versus

The State of Maharashtra,
through Nandurbar City Police
Station, Nandurbar ..Respondent

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Mr.C.R.Deshpande, advocate for applicant

Mr.R.V.Dasalkar, APP for respondent - State

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 25, 2016

PER COURT :

Heard.

2] Present applicant/appellant, who is convicted
by the learned Addl. Sessions Judge, Nandurbar in
Sessions Case No.1 of 2011 for the offences
punishable under Section 328, 336 and 273 of

Indian Penal Code and sentenced to suffer rigorous imprisonment for five years for the offence punishable under Section 328 of Indian Penal Code and some lesser sentences for other offences, has prayed for suspension of the substantive sentences and for his release on bail during pendency of the appeal.

3] The prosecution case would show that present applicant/appellant being owner of a sweet-meat shop, had sold certain sweet-meats to one Vedu Choadhary and due to consumption of the same, he as well as his family members suffered food poisoning and were hospitalized. Upon trial, the applicant/appellant came to be convicted and sentenced, as detailed supra.

4] Upon hearing both sides and finding that short term sentences are awarded by the learned Addl. Sessions Judge to the present applicant and that

hearing of the appeal may take its own time, the substantive sentences can be suspended during pendency of the appeal.

5] Hence, the following order :-

A] During pendency of the appeal, the substantive sentences are hereby suspended.

B] The applicant/appellant be released on bail, upon deposit of the fine amount if not deposited earlier, and upon executing P.R. bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount, during pendency of the appeal. Humdast allowed.

C] The application is allowed and disposed of accordingly.

[M.T. JOSHI, J.]

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