

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

CRIMINAL APPLICATION NO. 1509 OF 2016

IN

CRIMINAL APPEAL NO. 133 OF 2016

Amol s/o Madhav Surose

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....

Shri B.S.Kudale, advocate for applicant

Shri S.D.Ghayal, A.P.P. for respondent/State

.....

CORAM : INDIRA K.JAIN, J.

DATED : 15th APRIL, 2016

ORDER :

This is an application for suspension of substantive sentence of imprisonment passed vide order, dated 11.2.2016 in Sessions Trial No. 55 of 2014 by the learned Additional Sessions Judge, Hingoli. By the said judgment and order sole applicant has been convicted of the offences punishable under Sections 306 and 498-A of the Indian Penal Code.

2] Heard Shri B.S.Kudale, learned counsel for the applicant and Shri S.D.Ghayal, learned A.P.P. for respondent/State. Perused

record.

3] It can be seen from the record that initially accused was charged for the offences punishable under Sections 302 and 498-A of the Indian Penal Code. No charge or alternative charge was framed against applicant under Section 306 of the Indian Penal Code for which he has been convicted. Even otherwise considering the short term sentence awarded by the Trial Court and without going into the merits of the case, this court is inclined to allow the application. Hence the following order.

ORDER

- (i) Application is allowed.
- (ii) Substantive sentence of imprisonment is suspended till the decision of appeal.
- (iii) Applicant is released on bail on S.B. and P.B. of Rs.15,000/- each.
- (iv) Bail before the Trial Court.

[INDIRA K.JAIN, J.]

dbm/crap1509.16