

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 2020 OF 2016
IN APEAL/226/2016

DATTA S/O. GANGADHAR INGEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Arvind S. Kale
APP for Respondent No.1 : Mr. S. D. Ghayal.
...

CORAM : **INDIRA K. JAIN, J.**
DATE : 13th April, 2016.

P.C.:

. Issue notice to Respondent.

2 Learned APP waives service of notice for Respondent No.1.

3 Heard Mr. Arvind S. Kale, learned counsel for Applicant and Mr. S. D. Ghayal, learned APP for Respondent No.1. Perused impugned judgment and order. Learned counsel for Applicant submits that during trial Applicant was on bail.

4 This is an application for suspension of substantive sentence of imprisonment awarded by the learned Additional Sessions Judge, Biloli, District Nanded vide judgment and order dated 14th March, 2016 in Sessions Case No.27 of 2012 convicting the Applicant of the offence

punishable under Section 307 of the Indian Penal Code and sentencing him to suffer rigorous imprisonment for 5 years with fine and a default clause.

5 Considering the short term sentence awarded by Trial Court and without going into the merits of case this Court is inclined to allow the application. Hence the following order –

ORDER

- I. Criminal Application No.2020 of 2016 is allowed.
- II. Substantive sentence of imprisonment awarded by Trial Court is suspended till disposal of appeal.
- III. Applicant is released on bail on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each.
- IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]