

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6295 OF 2015 IN
CRIMINAL APPEAL NO. 863 OF 2015

1] Harish Asok Mungase,
Age : 29 years, Occu.: Labour,
R/o Devkauthe, Tal. Sangamner,
Dist. Ahmednagar

(At present R/o Ghoti,
Taluka Igatpuri, District Nashik)

2] Anil Ashok Mungase,
Age : 27 years, R/o Devkauthe,
Tal. Sangamner, Dist. Ahmednagar

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

Mr. J.R. Shah, Advocate h/f Mr. S.J. Bhale, Advocate for the
applicants

Mr. R.V. Dasalkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 10/02/2016

ORAL ORDER :

Heard.

2. Learned A.P.P. submits that till this date, no
instructions are received, as to whether any appeal is
proposed to be filed against the judgment of the learned
Sessions Judge.

3. The applicants, who have been convicted by the learned Additional Sessions Judge, Sangamner vide judgment and order dated 29/10/2015 passed in Sessions Case No. 77 of 2014, for the offences punishable under section 304 Part II r/w. 34 of the Indian Penal Code and under section 452 r/w. 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs. 10,000/-, in default to suffer rigorous imprisonment for 6 months for the offence punishable under section 304 Part II r/w. 34 of the Indian Penal Code and to suffer rigorous imprisonment for 1 year and to pay fine of Rs. 1,000/-, in default to suffer rigorous imprisonment for 3 months for the offence punishable under section 452 r/w. 34 of the Indian Penal Code, respectively, are praying for suspension of the substantive sentences during the pendency of the appeal and their release on bail.

4. Learned counsel for the applicants submits that fine amount is already deposited by the applicants.

5. Considering all the facts on record and finding that the present applicants/appellants were under-trial

prisoners for a period of more than 1-1/2 years and considering the short term sentences awarded to them, those can be suspended.

. In the circumstances, the substantive sentences are hereby suspended. Both the applicants be released on bail, upon their execution of P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each and also upon furnishing surety each in the like amount.

6. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/