

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

CRIMINAL APPLICATION NO. 7002 OF 2016
IN APEAL/739/2016

RAJARAM SAKHARAM MANDOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. R. A. Jaiswal, h/f Mr. Nilesh S. Ghanekar.
APP for Respondent / State : Mr. M. B. Bharaswadkar.

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CORAM : **V. K. JADHAV, J.**
DATE : 23rd December, 2016.

P.C.:

. Heard the learned counsel for Applicants and the learned APP
for Respondent / State.

2 Read the application.

3 The learned counsel for Applicants seeks leave to delete the
name of Applicant No.1 – Rajaram Sakharam Mandole as he died
before pronouncement of the judgment of conviction by the Trial Court.
Leave granted. Name of Applicant No.1 – Rajaram Sakharam
Mandole be deleted forthwith from the array of Applicants.

4 The learned Sessions Judge, Jalgaon by judgment and order of
conviction dated 9th December, 2016 in Sessions Case No.132 of 2009
convicted the Accused for the offence punishable under Sections 147

read with 149 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 months each and pay a fine of Rs.300/- each in default simple imprisonment for 7 days, under Section 447 read with 149 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 months each and pay a fine of Rs.300/- each in default simple imprisonment for 7 days and under Section 325 read with 149 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year each and pay a fine of Rs.300/- each, in default simple imprisonment for 15 days. The substantive sentence directed to be run concurrently.

5 the Applicants / Accused were on bail during the course of trial and as submitted by the learned counsel appearing for the Applicants, the fine amount is already deposited before the Trial Court. Furthermore, the Applicants / Accused were released on bail by the Trial Court after recording the conviction by suspending the substantiate part of the sentence till the appeal period is over. Hence, the following order:

ORDER

- I. The criminal application is hereby allowed.
- II. The substantive part of the sentence dated 9th

December, 2016, passed by the learned Sessions Judge, Jalgaon in Sessions Case No.132 of 2009, stands suspended till the disposal of the appeal and till then Applicant No.2 – Ramesh s/o Rajaram Mandole, Applicant No.3 – Subhash s/o Rajaram Mandole, Applicant No.4 – Pankaj s/o Rajaram @ Ramesh Mandole, Applicant No.5 – Sunil s/o Rajaram Mandole and Applicant No.6 – Malubai Ramesh Mandole, be released on bail on furnishing personal bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

- III. Bail before the Trial Court.
- IV. Hamast allowed.
- V. Criminal application stands disposed of.

[V. K. JADHAV, J.]