

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

Criminal Application No. 02639 of 2017
(In Criminal Appeal No. 0216 of 2017)

District : Ahmednagar

Wasim s/o. Vahid Qureshi,
Age : 28 years,
Occupation : Labour,
R/o. Sadaphule Wasti, Jamkhed, .. Applicant
Taluka Jamkhed, (Original
District Ahmednagar. accused no.12)

versus

The State of Maharashtra,
Through the Police Station Officer,
Jamkhed Police Station,
Taluka Jamkhed, Dist. Ahmednagar. .. Non-applicant.

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Mr. N.V. Gaware, Advocate, for the applicant.

*Mr. G.O. Wattamwar, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : SANGITRAO S. PATIL, J.

DATE : 01ST JUNE 2017
(Summer Vacation)

ORAL ORDER :

Heard the learned Counsel for the
applicant / appellant and the learned Addl. Public
Prosecutor for the non-applicant.

02. Issue notice to the non-applicant - State of Maharashtra. The learned Addl. Public Prosecutor waives service of notice on behalf of the non-applicant.

03. The applicant / appellant has been convicted for the offences punishable under Sections 326, 324, 323, 506, 147, 148 read with Section 149 of the Indian Penal Code. The maximum period of sentence inflicted upon him is five years besides the amount of fine.

04. The learned Counsel for the applicant / appellant submits that the amount of fine has been deposited by the applicant / appellant before the trial Court.

05. The applicant / appellant was on bail during trial. Considering the nature of the offences established against the applicant / appellant as well as the maximum period of punishment i.e. five years and the fact that he was on bail during trial, I do not find any impediment in suspending the sentence of imprisonment passed against him during pendency of this appeal. If the sentence of imprisonment is not suspended, the very purpose of filing the appeal would be frustrated. Hence, the order :-

(i) The sentence of imprisonment passed against the

applicant / appellant is suspended during pendency of the Criminal Appeal, on executing P.R. Bonds in the sum of Rs. 10,000/- with sureties in the like amount.

(ii) The Criminal Application is accordingly allowed and disposed of.

(iii) Authenticated copy of this order be supplied to the learned Counsel for the applicant, at his request.

(Sangitrao S. Patil)
JUDGE

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