

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1172 OF 2017
IN
CRIMINAL APPEAL NO. 691 OF 2017**

Shankar Ramchandra Ambrale & Ors. .. Applicants

v/s.

The State of Maharashtra ..Respondent

Mr. Ganesh Gole a/w. Ms. Meghana Gawalani for the Applicant.
Mr. P.H.Gaikwad Patil APP for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 22nd AUGUST, 2017.**

P.C.

1. By this application, the applicants who were accused in Special (Atro) Case No. 38 of 2016 have sought suspension of execution of sentence imposed vide judgment dated 29th July, 2017 by the learned Special Judge and Addl. Sessions Judge, Satara.

2. Heard the learned Counsel for the applicant and the learned APP for the State. Considered the submissions advanced by the

learned Counsel for the respective parties.

3. The applicants have been convicted for the offences punishable under Section 323 r/w. 149 of the Indian Penal Code and sentenced to undergo Simple Imprisonment till rising of the Court and to pay fine of Rs.500/- each, in default to undergo further Simple Imprisonment for 10 days. The applicants are also convicted for the offence punishable under Section 3(1)(r)(s) r/w. Section 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to suffer Simple Imprisonment for the period of six months and to pay fine of Rs.500/- each, in default to undergo further Simple Imprisonment for 10 days.

4. The learned Counsel for the applicants submitted that the applicants have already deposited the fine amount before the Special Court.

5. The applicants have been sentenced to undergo short term imprisonment of six months. The appeal is of the year 2017 and is not likely to come up for final hearing in the next couple of years

due to large pendency of old cases. Hence, rejection of the application will result in the applicants undergoing the sentence of imprisonment even before the appeal is heard on merits.

6. The applicants were on bail during pendency of the case, and they have not violated any terms and conditions of the case.

7. Considering the above facts, so also the nature of the offence, and the evidence in support thereof, in my considered view, this is a fit case for suspending the execution of sentence, pending the disposal of the appeal. Hence the order.

- i) The application is allowed in terms of prayer clause (a).
- ii) The execution of sentence imposed by the Special Judge and Addl. Sessions Judge, Satara vide judgment dated 29th July, 2017 in Special (Atro) Case No. 38 of 2016, is suspended till final disposal of the appeal on merits, subject to the applicants furnishing fresh bail bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount to the satisfaction of the learned Special Judge, Satara.

8. The applicants shall furnish their local as well as permanent address, if any, and their contact number, if any, to the Investigating Officer as well as in the fresh bail bonds.

(ANUJA PRABHUDESSAI, J.)