

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

**CRIMINAL APPLICATION NO.1236 OF 2017
IN
CRIMINAL APPEAL NO.736 OF 2017**

Atmaram Pandurang Kharik & Ors. ...Appellants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Sachin Deokar i/b. Mr. V.V. Purwant for the Appellants.
Mr. Rajan Salvi, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 1st SEPTEMBER, 2017.

P.C.:-

By this application the Applicants have sought execution of suspension of sentence imposed by judgment dated 3rd August, 2017 in Sessions Case No.511 of 2013 by the learned Additional Sessions Judge-1, Thane.

2. The Applicants herein were prosecuted for offences punishable under Sections (3) (1) (v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. By judgment dated 3rd August, 2017 they have been held guilty and sentenced to undergo simple imprisonment for one year each and to pay fine of

Rs.500/each i/d. to suffer simple imprisonment for 15 days. The Applicants are also held guilty of offence punishable under Section 323 r/w 34 of the IPC and have been sentenced to undergo simple imprisonment for six months each and to pay fine of Rs.100/- each i/d. to suffer simple imprisonment for 5 days. Being aggrieved by the said judgment, the Appellants have preferred this Appeal and during pendency of this Appeal the Appellants have sought suspension of execution of sentence.

3. Heard the learned counsel for the Applicants and the learned APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. By the impugned judgment, the Applicants have been sentenced to undergo a short term imprisonment for a maximum period of one year. The Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is not likely to come up for final hearing in the next couple of years. Rejecting the prayer for suspension of sentence, pending disposal of the Appeal, will result in the Applicants undergoing the entire term of imprisonment even before

his Appeal is heard on merits. Considering this fact as well as the nature of offence and the evidence in support thereof, in my considered view this is a fit case for suspension of execution of substantive sentence pending hearing and final disposal of the Appeal. Hence, following order is passed :-

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed on the Applicants vide judgment dated 3rd August, 2017 in Sessions Case No.511 of 2013 by the learned Additional Sessions Judge-1, Thane is suspended till the final disposal of the Appeal subject to the Applicants furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand only) each with one or two sureties to the like amount to the satisfaction of the learned Additional Sessions Judge-1, Thane.
- (iii) The Applicants shall furnish their contact numbers and permanent as well as local addresses, if any, and shall intimate change of addresses, if any, to the Investigating Officer, as well as to the concerned Court;

(ANUJA PRABHUDESSAI, J.)