

Sarnobat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1404 NO. OF 2017
IN
CRIMINAL APPEAL NO. 842 OF 2017**

Mr. Panditrao Rangnath Katad & Anr. .. Applicants.
Vs.
The State of Maharashtra. .. Respondent.

Mr. Sagar G. Talekar, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th OCTOBER, 2017.

P. C. :

1. The applicants herein who were accused in Special Sessions Case No. 34 of 2015 have served suspension of execution of substantive sentence and judgment and order dated 15th September, 2017 passed by Addl. Sessions Judge, Nashi.
2. The applicant No. 1 has been held guilty of the offence punishable under section 326 r.w. Section 34 of I.P.C. and he is sentenced to undergo RI imprisonment for Six months and to pay fine of Rs.1,000/-. The applicant No. 2 has been held guilty of the offence under Section 324 r.w. Section 34 of IPC and sentenced to undergo RI imprisonment for three months and to pay fine of Rs.500/-.

2. By this application, the applicants herein have sought suspension of execution of substantive sentence imposed vide judgment dated 15th September, 2017 in the said case and prayed for release on bail.

3. Heard the learned counsel for the applicants and the learned APP for the State. Perused the record and considered the submissions advanced by the learned counsels for the respective parties.

3. The records reveal that the applicants have been sentenced to undergo short term imprisonment of Six months and Three months respectively. 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 applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

5. Considering the aforesaid facts, as well as the nature of charge and the evidence in support thereof, in my considered view, this is a fit case to suspend the execution of substantive sentence pending the disposal of the appeal. Hence, the order :-

(i) The Criminal Application No.1404 of 2017 is allowed.

(ii) The execution of substantive sentence imposed in Sessions Case (SC/ST) No. 34 of 2015 vide judgment dated 15th September, 2017 is suspended till disposal of the appeal on merits, subject to the applicants furnishing fresh bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with one or two solvent sureties in the like amount, to the satisfaction of Special Judge and Addl. Sessions Judge Nashik.

(iii) The applicants shall furnish their permanent as well as temporary address, if any, and shall intimate change of address and contact number, if any, to the Investigating Officer, as well as to the concerned Court.

(iv) All concerned to act on an authenticated copy of this order.

[ANUJA PRABHUDESSAI, J]