

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1578 OF 2016

IN

CRIMINAL APPEAL NO.832 OF 2016

SHIVAJI WALIBA PALSE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.L.R.Odhekar, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd FEBRUARY 2017

P.C. :

1 Heard both sides. Perused the impugned judgment and order of conviction of applicant / accused recorded by the learned Additional Sessions Judge, Niphad, on 9th December 2016.

2 Though the applicant / accused along with co-accused were prosecuted for the offences punishable under Sections 143, 147, 148, 324, 323, 337, 504, 506 read with Section 149 of the

IPC as well as under Section 37 read with Section 135 of the Maharashtra Police Act, ultimately, the applicant / accused came to be convicted for the offences punishable under Sections 337 and 334 of the IPC. He has been sentenced to suffer simple imprisonment for 3 months for the offence punishable under Section 337 of the IPC, apart from the payment of fine. No sentence of imprisonment was imposed for the offence punishable under Section 334 of the IPC.

3 Considering the short sentence imposed upon the applicant / accused which is reported to be suspended by the trial court, and the fact that hearing of the appeal will take its own time, the following order :

- i) The application is allowed.
- ii) Substantive sentence imposed upon the applicant / accused is suspended and the applicant / accused is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

(A. M. BADAR, J.)