

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.158/2017

IN

CRIMINAL APPEAL NO. 88/2017

(Manish s/o Madhukar Kapse vs. The State of Maharashtra)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Mr. O.K.Masurke, Advocate for the applicant
Mr. N/.H. Joshi, APP for respondent

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 28th August, 2017.

By this Application, the applicant prays for suspension of jail sentence imposed upon him by the learned Special Judge, under SC ST Act, Nagpur, dated 19.12.2016, in Special Case No. 38/2015.

The applicant was convicted for the offence punishable under section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to suffer S. I. for three years and to pay a fine of Rs. 2000/-, in default, to suffer SI for one month. I have heard the counsel for the respective parties.

The applicant was on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial court has suspended the jail sentence and the applicant was released on bail.

In view of the above facts, considering the nature of offence and the fact that it would not be possible to take up the hearing of

the appeal finally by this Court in the near future, due to pendency of old matters, the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 158/2017 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Special Judge, in Special Case No. 38/2015 19.12. 2016 shall remain suspended during the pendency of the present Appeal.
- 3) The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.
- 5) The applicant shall remain personally present before this court at the time of final hearing of the Appeal.

The Application stands disposed of.

CRI.APPA NOS. 596/2017 & 609/2017.

In view of the order passed in Criminal Appa. No.158/2017, the above-referred two Applications do not survive. They stand disposed of.

JUDGE

Sahase