

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPEAL NO.251 OF 2017

Ananta Ramrao Thakare and ors

..VS..

State of Maharashtra, through P.S. Barshitakli, District Akola

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

Court's or Judge's Order

Shri J.B. Gandhi, Counsel for the Appellants.
Shri R.S. Nayak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 06, 2017.

Heard learned counsel for the appellants.

ADMIT. Learned Additional Public

Prosecutor waives notice.

Call record and proceedings.

Criminal Application (APPA) No.413 of 2017

This is an application for suspension of substantive jail sentence and for grant of bail.

The applicants are convicted by learned Additional Sessions Judge, Akola on 5.4.2017 in Sessions Trial No.81 of 2012. Applicant Nos.1 and 3 are convicted for the offences punishable under Section 294 of the Indian Penal Code read with Section 3(1)(x)

.....2/-

of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 34 of the Indian Penal Code and are directed to suffer simple imprisonment for six months and to pay a fine of Rs.5,000/-. Applicant No.2 is also convicted for the offences punishable under Sections 354 and 452 of the Indian Penal Code read with Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and on that count he is directed to suffer simple imprisonment for six months and to pay a fine of Rs.6,000/-.

It is submitted on behalf of the applicants that the applicants were on bail during the Trial. Further, after the impugned order was passed, learned Sessions Judge has already suspended the jail sentence. A submission is made on behalf of the applicants that the fine amount is already paid. Statement accepted.

In that view of the matter and in view of the fact that the conviction is for fixed duration, criminal application is allowed. Substantive jail sentence imposed upon the applicants by learned Additional Sessions Judge, Akola on 5.4.2017 in Sessions Trial No.81 of 2012 shall remain suspended during the pendency of the present appeal. The applicants are directed to executed the fresh bonds before the Court

below of the same amount within a period of two weeks.

The application is disposed of.

JUDGE

!! BRW !!