

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

CRIMINAL APPEAL NO.253 OF 2017

[Chunnilal s/o Kaduji Dhuvadhapade .vs. The State of Maharashtra, through Police Station Officer, Police Station, Amgaon, District-Gondia]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : JUNE 19, 2017.

Heard Shri E.W. Nawab, learned counsel for
appellant.

Admit.

Call R & P.

Shri Vishal Gangane, learned A.P.P. waives
notice on behalf of respondent-State.

Criminal Application (APPA) No.416/2017

Heard.

Shri Nawab, learned counsel for applicant-
accused makes a statement that the Hon'ble Judge
having regular assignment is not available.
Therefore, this application is taken up for hearing by
this court.

Applicant-accused was charged for the
offences punishable under sections 376, 511 and 354
of the Indian Penal Code and section 33(2) (a) of the
Maharashtra Medical Practitioners Act. On trial, vide
judgment and order dated 17.5.2017, applicant has
been convicted of the offence under section 354-A (i)
(ii) punishable under Section 354-A (2) of the Indian

Penal Code and sentenced to suffer rigorous imprisonment for three years and a fine of Rs. 50,000/- in-default simple imprisonment for six months. The conviction is also recorded under section 33(2)(a) of the Maharashtra Medical Practitioners Act and applicant is sentenced to suffer rigorous imprisonment for two years and fine of Rs. 2,000/- in-default simple imprisonment for one month.

Considering the short term sentence and the fact that during trial, applicant-accused was on bail, it is not necessary to go into the merits of the case at this stage. Applicant is permanent resident of Kopitola, Tahsil-Amgaon, District-Gondia and there is no likelihood of his fleeing from justice.

At this stage, learned counsel further submits that after the judgment and order passed by the trial court, applicant-accused has furnished the fresh bail bonds before the trial court and the same may be continued.

In the above background, this court is inclined to allow the application. Hence, the following order :

ORDER

(i) The substantive sentence of imprisonment imposed by the Sessions Judge, Gondia under Section 354-A (i)(ii) punishable under Section 354-A (2) of the Indian Penal Code and under Section 33 (2) (a) of the Maharashtra Medical Practitioners Act is suspended during the pendency of criminal appeal

on P.R. bond to the extent of Rs.15,000/- with one surety in the like amount submitted by the applicant before the trial court on 17.5.2017.

(ii) Criminal Application stands allowed in the above terms.

(iii) Hamdast granted.

JUDGE

Gulande