

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

CRIMINAL APPLICATION [APPA] NO.465 OF 2017

IN

CRIMINAL APPEAL NO.281 OF 2017

(Nitin s/o Premlal Idpate

VS.

The State of Maharashtra, through P.S.O. Tirora, District Gondia)

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

Court's or Judge's Orders

CORAM : KUM. INDIRA JAIN, J.

DATE : 10th OCTOBER, 2017.

Heard Shri R.M. Daga, learned Counsel for applicant and Mrs. Shamsi Haider, learned Additional Public Prosecutor for the State.

02] This is an application by applicant-accused no.2 for suspension of substantive sentence of imprisonment awarded vide judgment and order dated 08/05/2017 by the learned Additional Sessions Judge, Gondia in Sessions Trial No.36/2013. Both the accused have been convicted of the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.3,000/-, in default to suffer simple imprisonment for one month each.

03] The role attributed to accused no.2 is that he caught hold the victim PW-2 Bhaktraj and accused no.1 assaulted him by knife on abdomen. It appears that quarrel took place at the spur of moment due to dash of motorcycle. Applicant was on bail during trial.

04] Considering the role attributed to applicant and as he was on bail during trial, this Court is inclined to allow the application. Hence, the following order :

ORDER

- I. Execution of substantive sentence of imprisonment is suspended during pendency of appeal on applicant's furnishing P.R. Bond and Solvent Surety in the sum of Rs.15,000/- each to the satisfaction of the trial Court.
- II. Criminal application stands disposed of in above terms.

JUDGE