

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

CRIMINAL APPEAL NO.291 OF 2017

Shri Yograj s/o Bhauji Madavi

..vs..

State of Maharashtra, through PSO Gondpipri, Tahsil Gondpipri, District
Chandrapur

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

Court's or Judge's Order

Shri Y.B. Mandpe, Counsel for the appellant.
Shri R.S. Nayak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 31, 2017.

Heard learned counsel Shri Y.B. Mandpe for the
appellant.

ADMIT.

Learned Additional Public Prosecutor Shri R.S.
Nayak waives notice on behalf of the respondent/State.

Criminal Application (APPA) No.485 of 2017

This is an application for suspension of
substantive jail sentence imposed upon the applicant and for
grant of bail.

Learned Additional Sessions Judge at
Chandrapur, in Sessions Case No.23 of 2015 dated 7.6.2017,
convicted the applicant for the offence punishable under

Section 354A(1)(i)(ii) read with Section 354A(2) of the Indian Penal Code, 1860 and directed to suffer rigorous imprisonment for 6 months and to pay a fine of Rs.500/- and in default of payment of fine amount to suffer simple imprisonment for 5 days. The applicant is also convicted for the offence punishable under Section 376 read with Section 511 of the Indian Penal Code, 1860 and directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/- and in default of payment of fine amount to suffer simple imprisonment for 10 days. The applicant is also convicted for the offence punishable under Section 506-II of the Indian Penal Code, 1860 and directed to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.500/- and in default of payment of fine amount to suffer simple imprisonment for 5 days so also he is convicted for the offence punishable under Section 509 of the Indian Penal Code, 1860 and directed to suffer rigorous imprisonment for 6 months and to pay a fine of Rs.300/- and in default of payment of fine amount to suffer simple imprisonment for 3 days.

Learned counsel for the applicant submits that after the impugned order, conviction and sentence was passed and learned Judge of the Court below by exercising powers has suspended substantive jail sentence. The application, which is on affidavit by the applicant, states that the applicant was on bail during the Trial and he has never misused the liberty granted to him. Learned counsel for the applicant submits that

entire fine amounts are already paid before the Court below.

Looking to the quantum of punishment imposed upon the applicant and in view of the fact that the applicant was on bail and his sentence is already suspended by learned Judge of the Court below, I allow the present application by order below:

ORDER

i) Substantive jail sentence imposed upon the applicant by learned Additional Sessions Judge at Chandrapur, in Sessions Case No.23 of 2015 dated 7.6.2017, shall remain suspended during the pendency of the present appeal.

ii) The applicant to execute fresh Bail Bonds of the same amount before the Court below.

iii) The applicant shall remain personally present before this Court at the time of final hearing.

iv) With this, the criminal application is allowed and disposed.

JUDGE

!! BRW !!