

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

CRIMINAL APPEAL NO.303 OF 2017

(Shyamrao Sonba Junghare..vs..State of Maharashtra, through PSO.PS.Kalamb,District-Amravati)

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

Court's or Judge's orders.

Shri Parvez Mirza, advocate for applicant.
Miss T.H.Udeshi,A.P.P. for State.

CORAM : V.M. DESHPANDE, J.
DATED : JULY 10 , 2017

Heard learned counsel for the applicant.

Admit.

The learned A.P.P. waives service of notice on
behalf of respondent.

CRIMINAL APPLICATION(APPA) NO.513 OF 2017

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

2. The applicant is convicted by learned Additional Sessions Judge,Yavatmal on 1/6/2017 in S.T.No.99/2014 by which the applicant stands convicted for the offence punishable under Section 307 of the Indian Penal Code and is directed to suffer R.I. for 5 years and to pay a fine of Rs. 3000/- and in default of payment of fine amount to further suffer S.I. 2 months.

3. Heard learned counsel for applicant and learned A.P.P. for State.

4. The notes of evidence of the witnesses are placed on record. The evidence of prosecution shows that the applicant and injured are related with each other. His evidence shows that on trifle issue the present applicant assaulted injured Krushan Nagorao Junghare(PW3).

5. The injury certificate is duly proved by Dr.Jaideep Anandrao Jadhao(PW9). His evidence shows that a single stab injury was noticed. Further, though the injured was in hospital after performing operation there is nothing available on record that during this time he was unable to perform day to day function. The present applicant was on bail during the trial and he has not jumped the bail. The applicant is not having any criminal antecedent at his credit.

6. Looking to the quantum of punishment imposed upon the applicant and looking to the fact that in near future this Court will not be able to hear the present appeal finally I see this is the fit case to exercise discretion . Hence, I pass the following order.

ORDER

I) The application is allowed.

II) The substantive jail sentence imposed upon the applicant in S.T.No.99/2014 by learned Additional Sessions Judge,Yavatmal is hereby suspended.

- III) The applicant be released on his furnishing P.B. of Rs. 5000/- with one solvent surety in the like amount.
- IV) The learned Trial Court before whom the bail bonds will be executed shall ensure that the applicant has deposited the entire fine amount before it ,before he is released on bail.
- V) The applicant is directed to remain personally present before this Court at the time of final hearing.
- VI With this, application is disposed of.

JUDGE