

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

CRIMINAL APPEAL NO.322 OF 2017

(Yuvraj @ Sadhu S/o Himmatrao Gawai and another..vs..State of Maharashtra, through
PSO.PS.Barshitakli,Tq. and District-Akola)

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

Court's or Judge's orders.

Shri M.Badar, Advocate for appellants.
Shri Nitin Rode, A.P.P. for State-respondent.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 1, 2017

Heard learned counsel for appellants and
learned A.P.P. for State-respondent.

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

CRIMINAL APPLICATION NO.539 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 15/5/2017 in S.T.No.218/2015 for
the offence punishable under Section 324 r/w Section 34 of
the Indian Penal Code and they are directed to suffer S.I. for
two years and to pay a fine of Rs. 5000/- each and in default
of payment of fine amount, further to suffer S.I. for one
month.

Heard learned counsel for applicants and learned
A.P.P. for State-respondent.

The learned counsel for the applicants submits that
applicant no.1 Yuvraj @ Sadhu S/o Himmatrao Gawai was in

jail from the date of his arrest i.e. 19/9/2015 till the date of judgment 15/5/2017. Thus, till the date of the judgment the applicant no.1 has already undergone more than 1 and ½ year of sentence. He submits that on the day of the judgment, Learned Additional Sessions Judge, Akola has suspended the jail sentence and applicant no.1 is released on bail. So also, applicant no.2 Vishal S/o Himmatrao Gawai was in jail till 23/3/2016 from the date of his arrest 19/9/2015 and his jail sentence is suspended by the learned Court below.

Looking to the fact that the applicants have already undergone more than half of the sentence awarded to them and they are already released on bail by the learned Court below I allow the present application to suspend the substantive jail sentence imposed upon the applicant by learned Court below during the pendency of the present appeal.

The applicants shall furnish fresh P.B. and S.B. of the same amount.

Both the applicants shall remain present personally before this Court at the time of final hearing of the appeal.

With this, the application is disposed of.

JUDGE

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