

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.548/2017

IN

CRIMINAL APPLICATION NO. /2017

IN

CRIMINAL APPEAL NO. /2017

(Nitin s/o Rajendra Tyagi and others vs. The State of Maharashtra Through PSO MIDC Nagpur)

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

Court's or Judge's order

Mr. PP. Kotwal, Advocate for the appellant /applicant
Mr. N.H. Joshi, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 8th September, 2017.

CRIMINAL APPLICATION (APPA) NO.548/2017

By this Application, the applicants prays for condonation of seven days' delay in preferring the Appeal.

For the reasons mentioned in paragraph no.4 of the Application, the delay is condoned. The Application stands allowed and disposed of.

CRIMINAL APPEAL NO...../2017

Heard.

Admit.

Call R & P.

Mr. N.H.Joshi, the learned APP waives notice on behalf of the respondent.

RIMINAL APPLICATION NO...../2017

By this Application, the applicants prays for suspension of jail sentence imposed upon them by the learned Additional Sessions Judge, Nagpur, dated 27.04.2017, in Sessions Trial No. 308/2014 and grant of bail.

The applicants were convicted for the offence punishable under Section 332 read with section 34 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay a fine of Rs. 1000/- each, in default to suffer SI for 2 months. The applicants were also convicted for offence punishable u/s 353 r/ws. 34 and sentenced to suffer R.I. for six months and to pay a fine of Rs. 500/-each, in default, to undergo SI for one month. The applicants were further convicted for offence punishable u/s 504 r/ws. 34 of IPC and sentenced to suffer RI for six months and to pay a fine of Rs. 500/- each, in default to suffer SI for one month.

I have heard Shri P.P.Kotwal, the learned counsel for the applicants and Mr N.H.Joshi, the learned A.P.P. for the respondent. Learned APP strongly opposes the Application.

The applicants were on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial Court has suspended the jail sentence and the applicants were released on bail.

Taking into consideration the nature of allegations against the applicants, also the fact that the applicants were on bail during the trial and the substantive jail sentence was already suspended and they were released on bail by the learned trial Judge and also

considering that it would not be possible to take up the hearing of the Appeal finally by this Court in the near future, due to pendency of old matters, I am of the view that the applicants are entitled to suspension of jail sentence and grant of bail. Moreover, it is submitted that the applicants have deposited the fine amount. Hence the following order:

ORDER:

- 1) Criminal Application is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Additional Sessions Judge, Nagpur, in Sessions Trial No. 308/2014, dated 27.04.2017, shall remain suspended during the pendency of the present Appeal.
- 3) The applicant shall be released on bail on same terms and conditions as in the trial Court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicants.
- 5) The applicants shall remain personally present before this Court at the time of final hearing of the Appeal.

The Application stands disposed of.

JUDGE

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