

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

CRIMINAL APPLICATION [APPA] NO.672 OF 2017

IN

CRIMINAL APPEAL NO.395 OF 2017

[Gajanan s/o Bhima Kodape .vs. State of Maharashtra]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : OCTOBER 06, 2017.

Heard Shri A.S. Dhore, learned counsel for applicant-appellant and Smt. Shamshi Haidari, learned APP for respondent-State.

By this application, applicant seeks suspension of substantive sentence of imprisonment imposed by the learned Additional Sessions Judge, Kelapur vide judgment and order dated 24.7.2017 in Sessions Trial No.21/2010.

Applicant has been convicted for the offence punishable under section 326 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years with fine of Rs.1,000/- in default rigorous imprisonment for three months.

The learned counsel for applicant submits that applicant was on bail during trial.

Considering the short term sentence imposed by the trial court and the fact that applicant was on bail during trial, this court is inclined to allow the application. Hence, the

following order :

O R D E R

- (i) Criminal Application No.672/2017 is allowed.
- (ii) The execution of substantive sentence of imprisonment is suspended during the pendency of appeal on applicant's furnishing PB & SB of Rs.15,000/- each to the satisfaction of the trial court.

CRIMINAL APPEAL NO.395/2017

Heard.

Admit.

Call R & P.

Smt. Shamshi Haidari, learned APP waives service of notice for respondent-State.

JUDGE