

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

CRIMINAL APPLICATION [APPA] NO.718/2017

IN

CRIMINAL APPEAL NO.428 OF 2017

[Prashant s/o Rambali Waghmare and one .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

Shri Y.B. Mandpe, Advocate for applicants-appellants,
Smt. Shamshi Haidari, APP for respondent-State.

CORAM : KUM. INDIRA JAIN, J.

DATED : OCTOBER 06, 2017.

By this application, original accused nos.12 and 13 pray for suspension of jail sentence imposed upon them by the learned Additional Sessions Judge, vide judgment and order dated 18.8.2017 in Sessions Case Nos.131/2013 and 270/2013.

Applicants have been convicted for the offence punishable under section 412 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years with fine of Rs.10,000/- each, in-default simple imprisonment for six months.

Heard Shri Y.B. Mandpe, learned counsel for applicants-appellants and Smt. Shamshi Haidari, learned APP for respondent-State.

The learned counsel for applicants submitted that applicants were on bail during trial. Even after the judgment and order of conviction and sentence, the learned trial court has suspended the

sentence of imprisonment and applicants were released on bail.

Taking into consideration the nature of offence alleged against the applicants, short term sentence imposed by the trial court and the fact that they were on bail during trial, this court is inclined to allow the application. Hence, the following order :

ORDER

(i) Criminal Application No.718/2017 is allowed.

(ii) The execution of substantive sentence of imprisonment against the applicants is suspended during pendency of appeal on applicants' furnishing PB & SB of Rs.10,000/- each to the satisfaction of the trial court.

JUDGE