

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

CRIMINAL APPLICATION [APPA] NO.878 OF 2017

IN

CRIMINAL APPEAL NO.518 OF 2017

[Hrishikesh Rangbahadursingh Somwanshi 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

CORAM : KUM. INDIRA JAIN, J.

DATED : NOVEMBER 14, 2017.

Heard Shri R.B. Gaikwad, learned counsel for applicants and Mrs. Swati V. Kolhe, learned APP for non-applicant/State.

By this application under section 389 of the Code of Criminal Procedure, applicants are seeking suspension of substantive sentence of imprisonment awarded by the learned Sessions Judge, Gondia vide judgment and order dated 16.9.2017 in Sessions Trial No.01/2012.

Applicants were prosecuted for the offences punishable under sections 307, 326, 143, 147, 148 read with 149 of the Indian Penal Code, Section 37 (1) read with 135 of the Bombay Police Act and Section 4 read with 25 of the Indian Arms Act.

On trial, both the applicants came to be convicted of the offence punishable under section 324 of the Indian Penal Code and sentenced to suffer simple imprisonment for two years and fine of Rs.3,000/- in default simple imprisonment for three months.

The learned counsel for applicants submits that applicants were on bail during trial and after conviction, the substantive sentence of imprisonment has been suspended by the trial court.

Considering the short term sentence imposed by the trial court and as applicants were on bail throughout, this court is inclined to allow the application. Hence, the following order :

ORDER

- (i) The execution of substantive sentence of imprisonment is suspended during pendency of appeal on each of applicants furnishing PB & SB of Rs.15,000/- each to the satisfaction of the trial court.
- (ii) Criminal Application No.878/2017 is allowed and disposed of.

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Heard.

Admit.

Call R & P.

Mrs. Swati V. Kolhe, learned APP waives service of notice for respondent-State.

JUDGE