

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

Criminal Application No. 891/2017 (APPA)
IN
Criminal Appeal NO. 528 OF 2017

Sunil s/o Bapuji Wadaskar **V/s** The State of Maha. thr. its P.S.O.Korpana, Dist. Chandrapur.

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

Court's or Judge's orders

Shri R.R. Vyas, Advocate for Appellant.
Shri S.D.Sirpurkar, APP for Respondent.

CORAM : KUM. INDIRA JAIN, J.
DATED : 03/11/2017

Heard Shri R.R. Vyas, learned
counsel for appellant and Shri S.D. Sirpurkar,
Additional Public Prosecutor for Respondent/
State.

By this application under Section 389
of the Code of Criminal Procedure, applicant/
accused is seeking suspension of substantive
sentence of imprisonment awarded vide
judgment and order dated 03/10/2017 by the
learned Sessions Judge, Chandrapur, in
Sessions Case No. 58/2011.

The applicant was prosecuted for the
offences punishable under Sections 143, 147,
and 307 read with Section 149 of the Indian

Penal Code. The trial Court found that charge under Section 307 of the Indian Penal Code has not been proved.

Applicant / accused however came to be convicted of the offence punishable under section 326 of the Indian Penal Code and sentenced to rigorous imprisonment for three years.

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

Considering the term of sentence awarded by trial Court and as accused was on bail during trial, this court is inclined to allow the application. Hence the following order.

ORDER

(i) The substantive sentence of imprisonment awarded vide judgment and order dated 03/10/2017 by the learned Sessions Judge, Chandrapur in Sessions Case No. 58/2011 is suspended during the pendency of appeal on applicant's furnishing

personal bond in the sum of Rs.10,000/- with one solvent surety in the like amount to the satisfaction of the trial Court.

(ii) Criminal application is allowed in the above terms.

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Heard.

Admit

Call for record and proceedings

Mr. S.D. Sirpurkar, learned Additional Public Prosecutor waives service of notice for respondent.

JUDGE