

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

Criminal Application (APPA) No. 908/2017
In
Criminal Appeal NO. 535 OF 2017

Chandrashekhar S. Mudliar **V/s** State of Mah., Thr. Police Station Officer, Karanja
Dist. Wardha.

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

Court's or Judge's orders

Mr. Y.B. Mandpe, Advocate for Appellant.
Mr. S.D. Sirpurkar, A.P.P. for Respondent/State.

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

Heard Shri Y.B. Mandpe, learned counsel
for Appellant and Shri S.D. Sirpurkar, learned
Additional Public Prosecutor for Respondent/State.

By this application applicant-accused is
seeking suspension of substantive sentence of
imprisonment awarded by the learned Additional
Sessions Judge, Wardha, vide judgment and order
dated 17/08/2017 passed in Sessions Case No.
131/2013 convicting the applicant of the offenses
punishable under sections 395, 120-B, 342 of the
Indian Penal Code. The maximum sentence awarded

is 7 years rigorous imprisonment.

The learned counsel for applicant submits that similarly situated accused have been released on bail and substantive sentence of imprisonment has been suspended by this Court in their case vide order dated 11/10/2017 in Criminal Application (APPA) Nos.864 of 2017 and 756 of 2017. Copies of orders have been placed on record.

As applicant is in jail since 09/03/2013 and he has already undergone substantial sentence of imprisonment of 4 years and 8 months, this Court is inclined to allow the application in view of judgment of the Hon'ble Supreme Court in *Kamal V/s State of Haryana – (2004) 13 Supreme Court Cases 526*.

Hence the following order.

ORDER

- i) The execution of substantive sentence of imprisonment is suspended during pendency of

appeal on applicants furnishing PB and SB of Rs. 15,000/- each to the satisfaction of the trial Court.

ii) Criminal Application is allowed in the above terms.

JUDGE

Nandurkar