

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

CRIMINAL APPLICATION [APPA] NO.951 OF 2017
IN
CRIMINAL APPEAL NO.347 OF 2017

(Bhaskar Satish Hedau

vs.

The State of Maharashtra, through P.S.O. Umrer, District Nagpur)

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

CORAM : KUM. INDIRA JAIN, J.

DATE : 20th NOVEMBER, 2017.

Heard Shri C.R. Thakur, learned Counsel for the applicant and Shri S.D. Sirpurkar, learned A.P.P. for the State.

By this application under Section 389 of the Code of Criminal Procedure, applicant-accused is seeking suspension of substantive sentence of imprisonment awarded by learned Additional Sessions Judge-6, Nagpur vide judgment and order dated 26/04/2017 passed in Sessions Trial No.498/2014.

By the said judgment and order, accused has been convicted of the offence punishable under Section 387 of Indian Penal Code. The maximum sentence of imprisonment awarded by the trial Court is five years.

Learned Counsel for applicant submits that accused in jail since 11/09/2014. It is submitted that accused has undergone more than

half of the sentence and in such a situation, accused be released on bail. Learned Counsel placed reliance on the judgment of the Hon'ble Supreme Court in **Kamal vs. State of Haryana - [(2004) 13 SCC 526]** in support thereof.

It is apparent from the judgment assailed in the appeal that accused has been acquitted of the offence punishable under Section 364-A of Indian Penal Code. As he has served substantial period of sentence, this Court relying upon the judgment of the Hon'ble Supreme Court is inclined to allow the application. Hence, the following order :

ORDER

- I. The substantive sentence of imprisonment awarded by the trial Court is suspended during pendency of appeal on applicant's furnishing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the trial Court.
- II. Criminal application is allowed and disposed of in the above terms.

JUDGE

**sdw*