

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

CRIMINAL APPLICATION (APPA) NO.75/2018

IN

CRIMINAL APPEAL NO.47/2018

Subhash Pundlik Wade

..vs..

The State of Mah., thr. PSO of PS Nandgaonpeth, Amravati

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

Court's or Judge's Order

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Shri P.W. Mirza, Counsel for the applicant/appellant.

Shri N.S. Rao, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 21, 2018.

1. Heard learned counsel Shri P.W. Mirza for the applicant/appellant and learned Additional Public Prosecutor Shri N.S. Rao for the State.

2. The applicant/appellant is convicted by learned Additional Sessions Judge, Amravati on 19.12.2017 in Special (Atrocity) Case No.6/2013 for the offence punishable under Section 354 of the Indian Penal Code and is directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.2000/- and, in default of payment of the fine amount, to suffer further simple imprisonment for 3 months.

3. Learned counsel Shri P.W. Mirza for the applicant/appellant submits that the applicant/appellant was on bail during the Trial and at no point of time he has mis-used the liberty

granted to him in his favour. Further, after the order of conviction, learned Judge of the Court below has himself suspended the jail sentence.

4. After hearing learned counsel Shri P.W. Mirza for the applicant/appellant and learned Additional Public Prosecutor Shri N.S. Rao for the State and after perusing the relevant evidence available in the record and proceedings, I am of the view that the application is required to be allowed. Accordingly, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Substantive jail sentence imposed upon the applicant/appellant by learned Additional Sessions Judge, Amravati on 19.12.2017 in Special (Atrocity) Case No.6/2013 for the offence punishable under Section 354 of the Indian Penal Code shall stand suspended during pendency of the present appeal.

(c) Applicant/appellant-Subhash Pundlik Wade, be released on bail on he executing a P.R. Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(d) The bail before the Court below.

(e) The applicant/appellant shall remain personally present before this Court at the time of final hearing of the present appeal.

(f) With this, the criminal application is allowed and disposed of accordingly.

JUDGE

!! BRW !!

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