

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

CRIMINAL APPEAL NO.144/2018

Mr. Hanuman s/o Dadaji Wadaskar

..vs..

State of Mah., thr. Sub Divisional Police Officer Korpana, Tahsil Korpana, District
Chandrapur

.....
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 R.R. Vyas, Counsel for the appellant.

Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 13, 2018.

1. Heard learned counsel Shri R.R. Vyas for the
appellant.

2. **ADMIT.**

3. Learned Additional Public Prosecutor Shri A.D.
Sonak waives service on behalf of the State.

Criminal Application (APPA) No.224/2018

1. This is an application under Section 389 of the Code
of Criminal Procedure for suspension of substantive jail sentence
and for grant of bail.

2. Heard learned counsel Shri R.R. Vyas for the
applicant/appellant and learned Additional Public Prosecutor Shri
A.D. Sonak for the State.

3. The applicant/appellant, in Special (Atrocity) Case No.12/2016, is convicted for the offence punishable under Section 509 of the Indian Penal Code and directed to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-.

Similarly, he is convicted under Section 294 of the Indian Penal Code and on that count is directed to suffer rigorous imprisonment for 3 months and to pay a fine of Rs.1,000/-.

Also, he is convicted for the offence punishable under Section 506 of the Indian Penal Code and is directed to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-.

Similarly, the applicant/appellant is convicted for the offence punishable under Section 3[1][x] of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and is directed to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-.

4. Learned Judge of the Court below directed that all the sentences shall run concurrently.

5. The application is filed on affidavit. The statement on oath is that the applicant/appellant has paid the entire fine amount of Rs.4,000/- as it could be seen also from the certified copy of the judgment and order of conviction. Similarly, a statement is made that after the conviction, on very same day, learned Judge of the Court below suspended the substantive jail sentence.

6. The applicant/appellant was on bail throughout and

at no point of time he has mis-used the liberty granted in his favour.

7. After hearing learned counsel Shri R.R. Vyas for the applicant/appellant and after perusing the impugned judgment and order of conviction, I am of the view that the applicant/appellant has made out a case for suspension of substantive jail sentence and for bail. Hence, this Court passes the following order:

ORDER

(a) The criminal application is allowed.

(b) Substantive jail sentence imposed upon the applicant/appellant, by learned Additional Sessions Judge-3 and Special Judge at Chandrapur in Special (Atrocity) Case No.12/2016 for the offences punishable under Sections 509, 294, 506, and under Section 3[1][x] of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall remain suspended during the pendency of the present appeal.

(c) The applicant/appellant be released on bail on same terms, however on execution of a fresh bond before the Trial Court.

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

(e) With this, the criminal application stands allowed and disposed

of as such.

JUDGE

!! BRW !!