

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

CRIMINAL APPEAL NO.164/2018
Pramod s/o Ramlal Suryawanshi

..vs..

State of Mah., thr. Sub Divisional Police Officer, Durgapur, Taluka and District
Chandrapur

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

Court's or Judge's Order

.....
Shri A.J. Thakkar, Counsel for the appellant.
Shri N.S. Rao, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : MARCH 16, 2018.

1. Heard learned counsel Shri A.J. Thakkar for the appellant.
2. **ADMIT.**
3. Learned Additional Public Prosecutor Shri N.S. Rao waives service on behalf of the State.

Criminal Application (APPA) No.241/2018

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri A.J. Thakkar for the applicant/appellant and learned Additional Public Prosecutor Shri N.S. Rao for the State.
3. The applicant/appellant is convicted by learned

.....2/-

Additional Sessions Judge-3/Special Judge, Chandrapur in Special (Atrocity) Case No.23/2016 on 20.2.2018 for the offences punishable under Sections 294 and 354A(1)(iv) of the Indian Penal Code and under Section 3(1)(w)(ii) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The applicant is directed to suffer jail sentence ranging from 3 months to 6 months and is directed to pay different fine amounts.

5. From the impugned judgment, it appear that the applicant/appellant has already spent one month in jail. After the judgment and order of conviction, learned Judge of the Court below has himself suspended the substantive jail sentence as it could be seen from the statement made on oath in the application in paragraph No.4. The applicant/appellant was on bail.

6. In that view of the matter and in view of the fact that in near future it will not be possible for this Court to take up the present appeal for its final disposal in view of the pendency of criminal appeals before this Court, 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-3/Special Judge, Chandrapur in Special

(Atrocity) Case No.23/2016 on 20.2.2018 for the offences punishable under Sections 294 and 354A(1) (iv) of the Indian Penal Code and under Section 3(1) (w)(ii) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall remain suspended during the pendency of the present appeal.

(c) The applicant/appellant shall be released on bail. However, he shall execute a fresh P.R. Bond before the Trial Court in the same amount.

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

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

JUDGE

!! BRW !!

...../-