

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

CRIMINAL APPLICATION (APPA) NO.264/2018 IN
CRIMINAL APPEAL NO.203/2018

Rajkumar s/o Vishal Gavali and Ors. ..vs.. State of Maharashtra thr. PSO
P.S. Amgaon, Gondia

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

Court's or Judge's orders.

Mr. R. D. Bhuibhar, Advocate for applicants.
Mr. V. A. Thakare, A.P.P. for respondent-State.

CORAM : V.M. DESHPANDE, J.
DATED : MARCH 23, 2018

1. Heard Mr. Bhuibhar, Advocate for applicants
and Mr. V. A. Thakare, A.P.P. for non applicant-State.

2. The present application is for suspension of substantive jail sentence and for grant of bail. The applicants are convicted by learned Additional Sessions Judge, Gondia in Special (Atro) C. No.12/2011 for an offence punishable under Sections 327, 332, 353 of the Indian Penal Code. The applicants are directed to suffer rigorous imprisonment for three years each and to pay a fine of Rs.5,000/- each for the offence under Sections 327 and 332 of the IPC and rigorous imprisonment for two years each and to pay a fine of Rs.2500/- each for an offence under Section 353 of the IPC.

3. Mr. Bhuibhar, learned counsel for the applicants submitted that during the pendency of trial, the applicants were on bail and at no point of time, they have misused the liberty granted to them. He also submitted that after their conviction, they have moved an application for suspension of substantive jail sentence and the learned Judge of the Court below, vide order dated 26.02.2018 has suspended the jail sentence to enable the applicants to approach this Court. He also submitted that the applicants have deposited the entire fine amount.

4. In view of the fact that the applicants were on bail and their jail sentence is already suspended by the trial Court itself and the fine amount is already deposited by the applicants, following order is passed.

ORDER

- (i) Criminal Application No. 264/2018 is allowed.
- (ii) The substantive jail sentence imposed upon the applicants by the learned Additional Sessions Judge, Gondia in Special (Atro) Case No.12/2011 shall remain suspended during the pendency of the present appeal.
- (iii) Applicant no.1-Rajkumar s/o Vishal Gavali, applicant no.2-Rahul s/o Baliram Hattimare, applicant no.3-Ghanshyam s/o Sukharam Bawanthde be released

on bail on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.

(iv) The applicants shall remain personally present before this Court at the time of hearing of the appeal.

The application is disposed of.

JUDGE

kahale