

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

CRIMINAL APPEAL NO.213/2018
Sonu @ Chondry s/o Jivanlal Chhaniya

..VS..

The State of Mah., thr. PSO PS Narkhed, Tahsil Narkhed, District Nagpur

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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 C.R. Thakur, Counsel for the appellant.
Shri V.A. Thakare, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : APRIL 3, 2018.

1. Heard learned counsel Shri C.R. Thakur for the appellant.
2. **ADMIT.**
3. Learned Additional Public Prosecutor Shri V.A. Thakare
waives service on behalf of the State.

Criminal Application (APPA) No.307/2018

1. This is an application for suspension of substantive jail
sentence and for grant of bail.
2. Heard learned counsel Shri C.R. Thakur for the
applicant/appellant and learned Additional Public Prosecutor Shri V.A.

Thakare for the State. Also, perused impugned judgment.

3. The applicant/appellant is convicted by learned Additional Sessions Judge-7, Nagpur in Sessions Trial No.64/2017 on 15.3.2018 for the offence punishable under section 326 of the Indian Penal Code and is directed to suffer simple imprisonment for 3 years and to pay a fine of Rs.1000/- and, in default of payment of the fine amount, to suffer simple imprisonment for 10 days.

4. Learned counsel Shri C.R. Thakur for the applicant/appellant submits that the applicant/appellant has already deposited the fine amount. He points out averments made in the application that after the order of conviction, learned Judge of the Court below has already suspended the jail sentence by exercising powers under Sub section (3) of Section 389 of the Code of Criminal Procedure and the applicant/appellant was released on bail. He also submits that the applicant/appellant was on bail during the pendency of the Trial and at no point of time the applicant/appellant has mis-used liberty granted to him in his favour. Hence, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Substantive jail sentence imposed upon the

.....3/-

applicant/appellant by learned Additional Sessions Judge-7, Nagpur in Sessions Trial No.64/2017 on 15.3.2018 shall remain suspended during the pendency of the present appeal.

(iii) Applicant/appellant Sonu @ Chondry s/o Jivanlal Chhaniya, be released on bail on he executing a P.R. Bond in the sum of Rs.20,000/- with two solvent sureties of the like amount.

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

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

JUDGE

!! BRW !!

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