

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

CRIMINAL APPEAL NO.268/2018
Mulchand s/o Eknath Bahekar

..vs..

The State of Mah., thr. Police Station Officer Salekasa, Police Station Salekasa,
District Gondia

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

Court's or Judge's Order

.....
Shri B.M. Kharkate, Counsel for the appellant.
Shri A.D. Sonak, Addl.P.P. for the State.

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

1. Heard learned counsel Shri B.M. Kharkate 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.386/2018

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri B.M. Kharkate for the applicant/appellant and learned Additional Public Prosecutor Shri A.D. Sonak for the State. Also, perused the impugned judgment.
3. The applicant/appellant is convicted on 29.3.2018 by

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learned Additional Sessions Judge, Gondia in Sessions Trial No.8/2014 for the offence punishable under Section 304 Part-II of the Indian Penal Code and is directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- and, in default of payment of the fine amount, to suffer rigorous imprisonment for 1 month.

4. Learned counsel Shri B.M. Kharkate for the applicant/appellant invited my attention to paragraph No.3 of the application which states that after the order of sentence, learned Judge of the Court below has suspended the substantive jail sentence. He has also invited my attention to a photocopy of receipt showing the fine amount of Rs.10,000/- is already paid.

5. The applicant/appellant was on bail during the course of the Trial and at no point of time he has misused the liberty granted to him in his favour. Further, the jail sentence is already suspended by the Trial Court. Hence, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Substantive jail sentence imposed upon the applicant/appellant on 29.3.2018 by learned Additional Sessions Judge, Gondia in Sessions Trial No.8/2014 shall remain suspended during the pendency of the present appeal.

(iii) Applicant/appellant Mulchand s/o Eknath Bahekar, be released

on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iv) Bail before the Trial Court.

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

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

JUDGE

!! BRW !!

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