

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

CRIMINAL APPEAL NO.371/2018
Chhotu s/o Sakru Neware and ors

..VS..

The State of Mah., thr. the Police Station Officer Police Station Tirora,
Tahsil Tirora, District Gondia

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

Shri R.K. Borkar, Counsel for the appellants.
Shri Amit Chutke, Addl.P.P. for the State.

CORAM : MRS. SWAPNA JOSHI, J.
DATED : JUNE 14, 2018.

1. Heard learned counsel Shri R.K. Borkar for
the appellants.
2. **ADMIT.**
3. The record and proceedings be called for.
4. Learned Additional Public Prosecutor Shri
Amit Chutke waives Notice on behalf of the State.

Criminal Application (APPP) No.535/2018

1. By this application, the applicants/appellants
pray for suspension of substantive jail sentence imposed
upon them on 18.5.2018 by learned Additional Sessions
Judge, Gondia in Sessions Trial No.5/2016 and for grant of

.....2/-

bail.

2. The applicants/appellants were convicted for offence punishable under Section 452 read with Section 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.3000/- and in default of the same to undergo rigorous imprisonment for 2 months. They were also convicted for offence punishable under Section 324 read with Section 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for 2 years and to pay a fine of Rs.2000/- and in default of the same to undergo rigorous imprisonment for 2 months.

3. I have heard learned counsel Shri R.K. Borkar for the applicants/appellants and learned Additional Public Prosecutor Shri Amit Chutke for the State.

4. The applicants/appellants were on bail during the pendency of the Trial and at no point of time they have misused the liberty granted to them in their favour. Even, after judgment and order of conviction, learned Judge of the Court below has suspended the jail sentence and the applicants/appellants were released on bail. Also, the applicants/appellants have already deposited the fine amount of Rs.5000/- before the Trial Court.

5. In that view of the matter, I pass following order:

ORDER

- (i) The criminal application stands allowed.
- (ii) The substantive jail sentence imposed upon the applicants/appellants on 18.5.2018 by learned Additional Sessions Judge, Gondia in Sessions Trial No.5/2016 shall remain suspended pending disposal of the present appeal.
- (iii) The applicants/appellants be released on bail on they executing fresh bonds of the same amount as before the Trial Court.
- (iv) Learned Judge of the Court below, before whom the bail bonds will be executed, shall ensure that before execution of the bail bonds, the applicants/appellants have deposited the entire fine amount.
- (v) The applicants/appellants shall personally remain present before this Court at the time of final hearing of the appeal.
- (vi) With this, the criminal application stands allowed and disposed of accordingly.

JUDGE

!! BRW !!

...../-