

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

Criminal Appeal No.392 of 2018
(Siddhant Gautam Nimsatkar .vs. The State of Maharashtra through PSO PS
Ballarsha, Chandrapur.)

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

Mr. Bhushan Dafle, Advocate for Appellant.
Mrs. Geeta Tiwari, APP for Respondent.

CORAM : Manish Pitale, J.
DATED : July 18, 2018.

Heard Mr. Bhushan Dafle, learned counsel
appearing for the appellant and Mrs. Geeta Tiwari,
learned APP appearing for the respondent-State.

Admit. Call for R. & P.

Criminal Application (APPA) No. 586/2018

This is an application for suspension of sentence and grant of bail filed on behalf of the appellant. It is contended on behalf of the appellant-applicant that in this case the appellant was charged with having committed offence under Section 306 read with 34 of the Indian Penal Code. By the impugned judgment and order, the appellant was acquitted of the charge under Section 306 of the IPC but he was convicted for offence punishable under Section 354(D)(i) of the IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.5000/-. It is pointed out that while convicting the appellant under the said provision, the trial Court has given a

finding that the offence punishable under Section 354(D) (i) of the IPC is a minor offence as compared to Section 306 of the IPC. This is seriously contested by the learned counsel for the appellant and it is submitted that when the appellant was not charged with offence under Section 354(D)(i) of the IPC, the trial Court could not have convicted him for offence punishable under Section 354(D)(i) of the IPC. It is also informed that the trial Court has suspended the sentence imposed against the appellant for the period of one month.

Having heard the counsel for the parties and upon perusing the impugned judgment and order, this appears to be a fit case for suspension of sentence and grant of bail. Accordingly, the sentence imposed by the trial Court against the appellant shall remain suspended during the pendency of this appeal and the appellant is directed to be released on bail on furnishing a P.R. Bond of Rs.10,000/- and the surety in the like amount.

Application is disposed of.

JUDGE