

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

CRIMINAL APPLICATION [APPA] NO.590 OF 2018

IN

CRIMINAL APPEAL NO.395 OF 2018

[Wasudeo s/o Gangaram Pande and one .vs. The State of Maharashtra]

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

Court's or Judge's orders

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Shri Anand Deshpande, Advocate for Applicants,
Shri I.J. Damle, APP for Respondent-State.

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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 02, 2018.

By this application, the applicants pray for suspension of sentence imposed upon them by the learned Additional Sessions Judge, Darwha, dated 8.5.2018 in Sessions Trial No.7/2011.

The applicants were convicted for the offence punishable under section 498-A of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each, in default of payment of fine, they to suffer imprisonment for the period of one month.

I have heard Shri Anand Deshpande, the learned counsel for the applicants and Shri I.J. Damle, the learned APP for the respondent-State.

Taking into consideration the nature of allegations against the applicants, also the fact that the applicants were on bail during the trial and the substantive jail sentence was already suspended and they were released on bail by the learned trial Judge and they had not misused the liberty. Also considering the fact that the fine amount has been deposited by the applicants, also considering that it would not be possible to take up the hearing of the appeal finally by this court in the near future, due to pendency of old matters, I am of the view that the

applicants are entitled to suspension of jail sentence and grant of bail.
Hence, the following order :

ORDER

- 1) Criminal Application No.590/2018 is allowed.
- 2) The substantive jail sentence imposed against the applicants by the learned Additional Sessions judge in Sessions Trial No.7/2011, dated 8.5.2018 shall remain suspended during the pendency of the present appeal.
- 3) The applicants shall be released on bail on their executing P.R. Bond in the sum of Rs.15,000/- each with surety in the like amount.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicants.
- 5) The applicants shall remain personally present before this court at the time of final hearing of the appeal.

Criminal Application stands disposed of.

JUDGE