

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

CRIMINAL APPLICATION (APPA) NO.772/2010

IN

CRIMINAL APPEAL NO.590/2010

Balkrushna s/o Raghunath Bhandarkar and anr

..VS..

State of Mah., thr. Police Station Officer, Police Station Desaiganj,
District Gadchiroli

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

Court's or Judge's Order

Shri V.N. Morande, Counsel for the applicants.
Shri A.M. Joshi, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 30, 2018.

1. This is an application under Section 389 of the Code of Criminal Procedure for suspension of substantive jail sentence and grant of bail.
2. Though the applicants by judgment and order dated 30.9.2010 passed by learned Sessions Judge, Gadchiroli in Sessions Trial No.111/2008 were acquitted for offence punishable under Section 306 read with Section 34 of the Indian Penal Code, learned Judge of the Court below convicted the applicants for offence punishable under Section 498A read with Section 34 of the Indian Penal Code
3. Heard learned counsel Shri V.N. Morande

for the applicants and learned Additional Public Prosecutor Shri A.M. Joshi for the State.

4. On 25.10.2010, this Court (Coram : Prasanna B. Varale, J.) already admitted the present appeal and on the present application passed order that the present application will be considered after receipt of record and proceedings. However, at the same time, this Court observed that the jail sentence already suspended by the Trial Court be continue till disposal of the application.

5. Now, the record and proceedings are received.

6. In view of quantum of punishment imposed upon the applicants and after considering the case of the prosecution, I find that the applicants have made out a case for suspension of substantive jail sentence and grant of bail. Hence, I pass following order:

ORDER

- (i) The criminal application is allowed.
- (ii) The substantive jail sentence imposed upon the applicants by judgment and order dated 30.9.2010 passed by learned Sessions Judge, Gadchiroli in Sessions Trial No.111/2008 shall remain suspended during the pendency of the present appeal.
- (iii) The applicants be released on bail on they executing P.R. Bond in the sum of Rs.5000/- by each of them with

one solvent surety of the like amount by each of them before learned Judge of the Court below within a period of two weeks from today.

(iv) With this, the criminal application stands disposed of.

JUDGE

!! BRW !!

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