

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1372 OF 2019
IN
CRIMINAL APPEAL NO. 1126 OF 2019

Rahul Sitaram Jamdar ... Appellant/Applicant
V/s.

The State of Maharashtra ... Respondents

Mr. Vikrant V.Phatare for the appellant/applicant.

Mr. S.S. Pednekar – APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 9TH SEPTEMBER 2019.

P.C. :

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence imposed upon the applicant by the Additional Sessions Judge, Solapur in Special Case No. 62 of 2017, vide judgment and order dated 30th July 2019, thereby convicting the applicant for the offences punishable under Sections 325, 504 and 506 of Indian Penal Code and sentencing him to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/- (Rs. Ten Thousand Only), in default, to suffer further rigorous imprisonment for one year.
3. The applicant was charge-sheeted for an offence

punishable under Section 302 of Indian Penal Code. However, there was no evidence to that effect. The incident had occurred on the spur of the moment. The deceased was about 80 years age. No weapon was used by the applicant. He had given a fist blow on the face of the deceased which caused his fall on a rough surface and he succumbed to the head injury after three days.

4. The sentence imposed upon the applicant is short term sentence. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. Hence, the applicant is entitled to the extension of the same relief during the pendency of the appeal. Hence, the following order:-

ORDER

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 30th July 2019 by the Additional Sessions Judge, Solapur is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.20000/- (Rupees Twenty Thousand Only) and one or more local solvent sureties in the like amount.
- iv) The applicant shall cause his presence before the learned Additional Sessions Judge, Solapur once in six

months on the date assigned by the learned Additional Sessions Judge, Solapur.

v) Upon failure to attend any two consecutive dates, the the learned Additional Sessions Judge, Solapur shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

vi) The application stands disposed of.

5. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)