

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

CRIMINAL APPEAL NO.1/2019
Shailesh s/o Yashwantrao Sakharwade

..VS..

State of Mah., thr. Superintendent (T.W.), District Court Bhandara, Tahsil
and District Bhandara

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

Court's or Judge's Order

Shri V.R.Thote, Counsel for the Appellant.
Shri N.S.Rao, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 7, 2019.

Heard learned counsel Shri V.R.Thote for the
appellant. **ADMIT.** Learned Additional Public Prosecutor
Shri N.S.Rao waives service for the State.

Criminal Application (APPA) No.6/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. The applicant has filed the appeal challenging judgment and order of conviction dated 7.12.2018 passed by learned Sessions Judge, Bhandara in Misc. Criminal Case No.82/2018 whereby the applicant is convicted for offence under Section 344 of the Code of Criminal Procedure and is directed to suffer simple imprisonment for 1 month and to pay a fine of Rs.500 and in default of payment of the fine amount to suffer simple imprisonment for 15 days.

3. Sessions Trial bearing No.17/2014 resulted into acquittal vide judgment and order dated 3.9.2018 passed by learned Sessions Judge, Bhandara. Learned Judge of the Court below acquitted the original accused since the applicant turned hostile. Therefore, proceedings bearing Misc. Criminal Case No.82/2018 were registered against the applicant.

4. Learned counsel Shri V.R.Thote for the applicant submits that after conviction in Misc. Criminal Case No.82/2018, the applicant moved Exhibit 25 and paid the fine amount and the Court below suspended the substantive jail sentence.

5. Looking to the quantum of punishment, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Sentence awarded against the applicant on 7.12.2018 by learned Sessions Judge, Bhandara in Misc. Criminal Case No.82/2018 shall remain suspended during the pendency of the present appeal.

(iii) The applicant be released on bail on he executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount before the Sessions Court within a period of one month from today.

(iv) The applicant is directed to remain personally present before this Court at the time of final hearing of the appeal.

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

JUDGE

!! BRW !!

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