

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

CRIMINAL APPEAL NO.589/2019
Parasram s/o Chinduji Bhat and anr
..VS..

The State of Mah., thr. PSO PS Umrer, District Nagpur

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

Court's or Judge's Order

.....
Shri P.D.Sharma, Counsel for Appellants.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 30, 2019.

Heard learned counsel Shri P.D.Sharma for appellants. **Admit.** Learned Additional Public Prosecutor Shri S.S.Doifode, waives service of Notice.

Criminal Application (APPA) NO.774/2019

1. This is an application under Section 389(1) of the Code of Criminal Procedure for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri P.D.Sharma for applicants and learned Additional Public Prosecutor Shri S.S.Doifode for the State.
3. By judgment and order of conviction dated 12.7.2019 passed by learned Additional Sessions Judge, Nagpur in Sessions Trial No.372/2017, applicants were convicted for offence under Section 326 read with Section 34

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of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years each and to pay a fine of Rs.1000/- each and in default of payment of the fine amount to suffer further simple imprisonment for 1 month each.

4. Learned counsel Shri P.D.Sharma for applicants, invited my attention to statement made on affidavit at paragraph No.4 of this application which shows that after conviction, applicants deposited the entire fine amount and also learned Judge of the Court below exercising powers under Sub Section (3) of Section 389 of the Code of Criminal Procedure suspended the substantive jail sentence.

5. In this view of the matter, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon applicants by judgment and order of conviction dated 12.7.2019 passed by learned Additional Sessions Judge, Nagpur in Sessions Trial No.372/2017 shall stand suspended during the pendency of the present appeal.

(iii) Applicants be released on bail on the same terms and conditions as directed by learned Judge of the Court below vide order dated 12.7.2019, however they shall execute fresh Bail Bonds within a period of one month from today.

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(iv) Applicants are directed to remain personally present before this Court at the time of final hearing of the present criminal appeal.

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

JUDGE

!! BRW !!

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