

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

CRIMINAL APPEAL NO.590/2019

Abhishekh s/o Rewaram Lanjewar

..VS..

State of Mah., thr. PSO PS Lakhani, Tahsil Lakhani, District Bhandara

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

Court's or Judge's Order

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Shri R.B.Gaikwad, Counsel for the Appellant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 28, 2019.

Heard learned counsel Shri R.B.Gaikwad for the
appellant. **Admit.** Learned Additional Public Prosecutor
Shri V.A.Thakare, waives service on behalf of the State.

Criminal Application (APPA) NO.775/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri R.B.Gaikwad for the applicant and learned Additional Pubic Prosecutor Shri V.A.Thakare for the State.
3. Applicant-original accused No.2, is convicted by judgment and order of conviction dated 1.8.2019 passed by learned Additional Sessions Judge, Bhandara in Sessions Trial No.50/2015 for offences punishable under Section 304 Part II of the Indian Penal and sentenced to suffer rigorous

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imprisonment for 3 years and to pay a fine of Rs.3000/- and in default of payment of the fine amount to suffer rigorous imprisonment for 1 month.

4. Learned counsel Shri R.B.Gaikwad for the applicant, submitted that the applicant was on bail through out during the course of the Trial and at no point of time he misused the liberty granted to him in his favour. He submitted that after the judgment and order of conviction, the applicant deposited entire amount Rs.3000/- before the Court below. 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, till filing of the appeal.

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

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the applicant by judgment and order of conviction dated 1.8.2019 passed by learned Additional Sessions Judge, Bhandara in Sessions Trial No.50 of 2015 for offences punishable under Section 304 Part II of the Indian Penal 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.15,000/- with fresh Bond to be executed before learned Judge of the Court below within a

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period of one month from today.

(iv) The applicant shall report Lakhani Police Station, District Bhandara once in 3 months during the pendency of this appeal.

(v) The applicant shall remain personally present at the time of final hearing of the present appeal.

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

JUDGE

!! BRW !!

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