

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1 OF 2019
IN
CRIMINAL APPEAL NO.1641 OF 2019

Pratidnyan @ Gulya Jijing Pawar,
Age 30 years, R/o.at Kegaon,
Tal.Akkalkot, Dist.Solapur.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rahul B. Vijaymane for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 25th September 2020
(LD/VC)

PC :

1. This is an application for suspension of sentence and grant of bail pending appeal preferred by the applicant challenging the judgment and order dated 14th October 2019 passed by learned Additional Sessions Judge-3, Solapur convicting the applicant for offences under Section 332 of IPC and under Section 353 of IPC. The applicant has been sentenced to undergo rigorous imprisonment for a period of four years on each count and the sentences were directed to run concurrently.

2. Learned advocate for applicant submitted that the applicant was on bail during trial. He is in custody for a period of about sixteen months. The sentence of imprisonment is for a period of four years. Hearing of appeal would take substantial time. He further

submitted that injuries sustained by the injured persons were simple in nature. The applicant had examined defense witnesses. During the scuffle with police the child fell down in the mud and was critical. Subsequently the applicant's child died on 25th August 2018. He relied upon evidence of DW-3 Dr.Purushottam Tapadia. Reliance is also placed on the evidence of DW-1 Kajal Pawar (wife of applicant) and DW-2 Dr.Sanjay Padwal.

3. Learned APP submitted that there is sufficient evidence against applicant. The applicant had assaulted public servants which had resulted in causing injuries. The applicant obstructed the public servants from discharging their duty. It is submitted that concerned police station has forwarded police report which states that nine cases were registered against applicant. He is involved in offences in State of Karnataka. By crossing the border of District Solapur, offences were committed by him in State of Karnataka. Learned advocate for applicant, however, submitted that in three cases registered in the State of Karnataka, the applicant has been acquitted. He relied on the judgments of Trial Court. He further submitted that one case is pending at Solapur which is registered at the instance of elder sister of applicant. The other cases referred to by police in their report, were tried to be verified on the website of Courts at Karnataka but the description of the cases referred to by the police does not tally.

4. The alleged incident had occurred on 21st August 2018. It is alleged that police were on duty. They were in search of wanted accused and visited village Aurad. They saw one suspect in the village. They tried to apprehend him. The applicant assaulted them

with knife. The offences were registered u/s 307, 332 and 353 of IPC.

5. The applicant was convicted for the offence u/s.332 and 353 of IPC. He was acquitted for the offence u/s 307 of IPC. Evidence of PW-10 Dr.Uma Waghmode refers to the nature of injuries sustained by injured persons. It is stated that injuries were of simple nature. The applicant has been sentenced to undergo imprisonment of four years. The applicant has already undergone about sixteen months imprisonment. The appeal may not come up for hearing within short span of time. The applicant was on bail during trial. Hence on certain terms and conditions, the sentence of imprisonment can be suspended.

6. Hence, I pass following order :

ORDER

- (i) During pendency of Criminal Appeal No.1641 of 2019, the sentence of imprisonment awarded by learned Additional Sessions Judge-3, Solapur in Sessions Case No.19 of 2019 vide judgment and order dated 11th November 2019, is suspended and the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (ii) The applicant shall report Mandrup Police Station, Taluka South Solapur, District Solapur once in a month on every first Saturday of month between 11 am and 1 pm till decision of appeal;
- (iii) The applicant shall not leave jurisdiction of Solapur District without prior permission of this Court;
- (iv) Interim Application is disposed of.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST