

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

CRIMINAL APPEAL NO. 9/2020

Gulabrao Ramorao Gawande .vs. State of Maharashtra, through PSO P.S.
Akot, Dist. Akola.

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

Court's or Judge's orders.

Mr. H. M. Mohta, Advocate for appellant.
Mr. N. R. Rode, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 14, 2020

Heard Mr. Mohta, learned counsel for appellant.

Admit.

Mr. Rode, learned A.P.P. waives notice for
respondent-State.

Criminal Application (APPA) No. 9/2020

This is an application for suspension of substantive jail sentence and for grant of bail. The applicant, who was accused no.1 in Sessions Trial No. 66/2014, was acquitted of the offence punishable under Sections 307, 333, 506 (ii) read with Section 34 of the Indian Penal Code (IPC). However, he was convicted for the offence punishable under Sections 353, 332 read with Section 116 of the IPC. For his conviction under Section 353 of the IPC, he was directed to suffer simple imprisonment for three months and to pay a fine of Rs.2,000/-, in default to undergo simple

imprisonment for one month. For his conviction under Section 332 read with Section 116 of the IPC, he was directed to undergo simple imprisonment of one month and to pay a fine of Rs.500/-.

Learned counsel for applicant submits that the applicant was on bail during trial. It also could be seen from the impugned judgment. He further submits that after conviction, an application was moved by the applicant i.e. Exh.-95 for suspension of substantive jail sentence to enable the applicant for approaching this Court. Accordingly, the said application was allowed and substantive jail sentence was suspended till the appeal period is over. Certified copy of the impugned judgment shows that the applicant has also paid the fine amount of Rs.500/-.

In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon applicant in Sessions Trial No. 66/2014 by learned Additional Sessions Judge, Akot, Dist. Akola, shall remain suspended during the pendency of the present appeal.
- (iii) Applicant-Gulabrao s/o Ramrao Gawande be released on bail on he executing fresh P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iv) The applicant shall execute fresh P.R. Bond before the Court below within one month from today.

(v) The applicant is directed to attend Police Station, Akot Rural, Tq. Akot, Dist. Akola once in every three months and mark his presence at the police station.

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

The application is disposed of.

JUDGE