

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

CRIMINAL APPEAL NO.4/2020

Bhaurao s/o Shrawanji Jamankar and ors

..VS..

State of Mah., thr. PSO PS Deoli, District Wardha

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

Court's or Judge's Order

.....
Shri R.R.Deshpande, Counsel for Appellants.

CORAM : V.M.DESHPANDE, J.

DATED : FEBRUARY 6, 2020.

1. Heard learned counsel Shri R.R.Deshpande for appellants.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri S.M.Ghodeswar, waives service on behalf of the State.

Criminal Application (APPA) Nos.12 and 109/2020

1. These two applications are taken up for consideration simultaneously and they are disposed of by this common order.
2. By judgment and order of conviction dated 22.10.2019 passed by learned Additional Sessions Judge, Wardha in Sessions Case No.192/2013, applicants were convicted for offence punishable under Section 353 read with Section 34 of the Indian Penal Code and for that they

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were sentenced to suffer rigorous imprisonment for 1 year and to pay a fine Rs.500/- each and in default of payment of the fine amount to suffer simple imprisonment for 1 month each. Similarly, applicant No.2 Ghansham Jamankar was also convicted for offence punishable under Section 332 of the Indian Penal Code and for that he was sentenced to suffer rigorous imprisonment for 1 year and to pay a fine Rs.500/- and in default of payment of the fine amount to suffer simple imprisonment for 1 month.

3. After the said judgment and order of conviction, applicants filed an application (Exhibit 153) for suspension of the substantive jail sentence and for grant of bail and learned Judge below passed an order on 22.10.2019 suspending the substantive jail sentence, till 15.11.2019.

4. Learned counsel Shri R.R.Deshpande for applicants, tenders a certified copy of the said application along with the said order and they are marked as Exhibit-X for purposes of identification.

5. Though it was incumbent on the part of applicants to approach before this Court prior to date 15.11.2019 and to obtain order or apply for extension of the said date, no such step was taken and the appeal is filed before this Court on 2.1.2020 along with Criminal Application No.12/2020 for suspension of the substantive jail sentence and for grant of bail.

6. Applicants also filed application i.e. Criminal Application No.109/2020 for surrendering and they

surrendered themselves before this Court. They are before this Court and duly identified by their counsel. Their surrender is accepted and treated as their custody. Therefore, Criminal Application No.109/2020 is allowed.

7. Insofar as Criminal Application No.12/2020 under Section 389 of the Code of Criminal Procedure for suspension of the substantive jail sentence and for grant of bail is concerned, as observed in preceding paragraph of this common order, after judgment and order of conviction, learned Judge below suspended the substantive jail sentence, till 15.11.2019.

8. Applicants are agriculturists.

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

ORDER

(1) The criminal application is allowed.

(2) By invoking inherent jurisdiction of this Court, I extend order dated 22.10.2019 passed by learned Additional Sessions Judge, Wardha, till today.

(3) The substantive jail sentence imposed upon applicants, by judgment and order of conviction dated 22.10.2019 passed by learned Additional Sessions Judge, Wardha in Sessions Case No.192/2013, shall stand suspended during the pendency of this appeal.

(4) Applicants shall be released on bail on they executing a P.R.Bond in the sum of Rs.15,000/- with one solvent surety of the like amount.

(5) Applicants shall execute fresh Bonds before learned Judge of the Court below within a period of one month from today.

(6) Applicant Nos.2 and 3 shall attend Deoli Police Station, Wardha once in a six-month, during the pendency of this appeal.

(7) Applicants shall be present personally before this Court at the time of final hearing of this appeal.

With this, both criminal applications stand allowed and disposed of accordingly..

JUDGE

!! BRW !!

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