

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

CRIMINAL APPLICATION NO. 271 OF 2020
IN
CRIMINAL APPEAL NO. 6 OF 2020

Rupesh Shrikrushna Kale

..vs..

State of Maharashtra, thr. P.S.O. and anr.

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

Court's or Judge's orders

Shri S. Ghatte, Advocate for applicant.
Mrs. H.N. Jaipurkar, A.P.P. for respondent-State.

CORAM : VINAY JOSHI, J.
DATED : 27/11/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. This is an application for suspension of execution of substantive sentence and for grant of bail. The applicant/appellant was convicted by the Trial Court for the offence punishable under Sections 354-A, 354-D, 506 of the Indian Penal Code and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The maximum sentence awarded is to undergo rigorous imprisonment for 5 years and total fine of Rs. 22,000/- has been imposed.

3. Learned Counsel for the applicant/appellant would submit that the conviction is based on unacceptable material. The applicant/appellant has fair chances of success in the appeal. He would submit that during the pendency of trial, the appellant was on bail.

4. Gone through the impugned judgment and part

of relevant evidence. The applicant/appellant is in jail from 29.11.2019 i.e. near-about for one year. The applicant/appellant will take its own time for disposal. In the meantime, the applicant/appellant has settled the matter with the Informant-lady.

5. It is informed that both have jointly filed Criminal Application (APL) No. 709 of 2020 for quashing of F.I.R.. He would submit that the said matter is referred to larger bench by this Court vide its order dated 29.10.2020. The applicant/appellant has filed copy of affidavit of informant about the settlement.

6. Upon instructions, learned Counsel for the applicant/appellant submit that entire fine amount has already been deposited on 16.12.2019.

7. Having regard to all these facts and as imprisonment for fixed term of five years has been imposed and already accused has undergone imprisonment for the period of one year. It is a fit case to suspend the execution of sentence.

8. In view of above, execution of substantive sentence stands suspended till disposal of appeal.

9. In the meantime, the applicant/appellant be released on bail on his furnishing P.R. bond of Rs. 15,000/-with one surety in the like amount.

10. This order be executed only on the verification of deposited a fine amount. Criminal Application stands allowed and disposed of accordingly.

JUDGE