

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

CRIMINAL APPLICATION (APPA) NO. 478 OF 2020 IN
CRIMINAL APPEAL NO. 60 OF 2008 (D)

Vinod s/o Baburao Hiwase Vs. State of Maharashtra, through P.S.O., Police
Station, Mohadi, Tah. Mohadi, District Bhandara

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

Court's or Judge's orders.

Shri N.D. Sonare, Advocate for applicant.
Shri S.D. Sirpurkar, APP for non-applicant.

CORAM : VINAY JOSHI, J.
DATE : DECEMBER 16, 2020.

Heard.

(2) This is an application for suspension of execution of sentence passed by this Court in Criminal Appeal No.60 of 2008. Initially the applicant accused was convicted by Sessions Court in Special Criminal Case No.9 of 2007 for the offence punishable under Section 325 of the I.P.C. and has been sentenced to undergo R.I. for 3 years along with fine. The said order was challenged by convicted accused in above-mentioned criminal appeal. In said appeal this Court has maintained conviction but modified the sentence and it was reduced to the extent to suffer R.I. for 1 year. The said order in appeal was passed much earlier i.e. on 24.02.2020. In such a background this application for suspension of execution of the sentence has been moved to this Court on 22.11.2020.

(3) Learned counsel for applicant would submit that the applicant desires to challenge the order of this Court before Supreme Court by seeking special leave. Therefore, according to him, the applicant is entitled to seek suspension of execution of sentence in terms of Section 389(3) of the Code of Criminal Procedure. As a matter of fact, the provision of Section 389(3) would come into play only if there is a provision of statutory appeal. Since there is no such provision, this Court cannot entertain this application. Hence, the application stands dismissed.

JUDGE

Wagh