

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APPA) NO.1047/2019 IN
CRIMINAL APPEAL NO.804/2019

Sanjay Shankar Neware .vs. State of Maharashtra through PSO P.S.
Wadgaon Road, (Awadhutwadi), Yavatmal.

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

Court's or Judge's orders.

Mr. V. N. Mate, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 03, 2020

This is an application for suspension of substantive jail sentence and for grant of bail.

Applicant was convicted by learned Sessions Judge, Yavatmal in Sessions Trial No.25/2016 on 19.10.2019, for an offence punishable under Section 324 of the Indian Penal Code (IPC), though he was acquitted of the offence punishable under Section 307 of the IPC. The sentence imposed upon applicant was for three years and payment of fine of Rs.10,000/-.

The applicant has placed on record certified copy of the application for suspension of substantive jail sentence before the Court below. It is at Exh.-72. The certified copy shows that on 19.10.2019, learned Sessions Judge has suspended the substantive jail sentence for a period of two months and released the applicant on bail on he executing P.R. Bond in the sum of Rs.25,000/-. Applicant has already placed on record receipt showing payment of fine amount.

The applicant was on bail during trial.

Today, applicant-Sanjay Shankar Neware is present before the Court. His presence before the Court is treated as surrender to the Court of law.

Since applicant was on bail and his substantive jail sentence is already suspended by the Court below, there is no possibility that the applicant will not be available at the time of final hearing of this appeal.

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

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant by Sessions Judge, Yavatmal in Sessions Case No. 25/2016, on 19.10.2109 shall remain suspended during the pendency of the present appeal.
- (iii) Applicant-Sanjay Shankar Neware be released on bail on he executing fresh P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iv) P.R. Bonds be executed within one month from today before the Court below.
- (v) Applicant is directed to attend Police Station, Wadgaon Road, once in every six months during the pendency of the present appeal.
- (vi) Applicants shall remain personally present before this Court at the time of final hearing of the appeal.

The application is disposed of.

JUDGE