

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2883 OF 2019
IN
APPEAL NO.845 OF 2019**

**NARAYAN NAMDEV WAIKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for applicant : Mr. Narvade Patil Ravindra B.
APP for Respondents/State: Mrs. R.P. Gaur
...

CORAM : MANGESH S. PATIL, J.

DATE : 30.07.2021

PER COURT :

This is an application under Section 389 of the Code of Criminal Procedure seeking suspension of substantive sentence pending appeal.

2. Admittedly, out of three accused only the appellant/applicant has been convicted and sentenced to a maximum 7 years of rigorous imprisonment for the offence punishable under Section 397 of the Code of Criminal Procedure. Admittedly which was going on for three years. There is no special and exceptional circumstances as to why the short term sentence need not suspended pending appeal.

3. The Application is allowed. The substantive sentence shall stand suspended pending appeal. The appellant/applicant shall be released on same bail with fresh bond duly executed before the trial court.

(MANGESH S. PATIL, J.)