

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2609 OF 2021
IN
REVISION APPLICATION NO. 200 OF 2021
WITH
REVISION APPLICATION NO. 200 OF 2021**

Ramchandra Apparao Waghmare Applicant
v/s.
The State of Maharashtra Respondent

Mr. Ritesh Thobde for the Applicant.
Mr. P.H. Gaikwad, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th OCTOBER, 2021.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 2609 OF 2021 :-

- . Not on board. Upon mentioning, taken on production board.
2. This is an Application under Section 389 of Cr.P.C. filed by the aforesaid Application for suspension of substantive sentence imposed by judgment dated 04/10/2021 in Criminal Appeal No.18/2019. The learned Magistrate has held the Applicant guilty of offence under Sections 323, 427 and 354-B of the Indian Penal Code. In an Appeal, the learned Sessions Judge has acquitted the Applicant of offence

under Section 323, 427 and 354-B of the Indian Penal Code and maintained conviction in respect of offence under Section 452 of the Indian Penal Code and further held him guilty of offence under Section 354 of the Indian Penal Code. The Applicant has been sentenced to undergo simple imprisonment for one year for offence under Section 354 of the Indian Penal Code and sentence of six months for offence under Section 452 of the Indian Penal Code.

3. The sentence imposed is a short term imprisonment. Considering the large pendency of the cases and also the present situation arising from Covid-19 pandemic, it will not be possible to take up the Revision Application for hearing in immediate future. In view of the above and also considering the nature of the accusations and evidence in support thereof, this is a fit case for suspension of substantive sentence pending hearing of the Revision Application. Hence, the Interim Application is allowed on following terms and conditions :-

(a) Execution of substantive sentence imposed against the Applicant by judgment dated 04/10/2021 in Criminal Appeal No.18/2019, is suspended pending hearing of the Application ;

(b) The Applicant shall be released on bail on furnishing P.R. Bonds in the sum of Rs.10,000/- with one or two solvent sureties in the like amount to the satisfaction of the Trial Court ;

(c) The Applicant shall report to the Trial Court once in two months on the day/date specified by the Trial Court, till the Appeal is finally disposed of ;

(d) The Applicant shall keep the trial Court informed of his current address and mobile/contact numbers and/or change of residence or mobile details, if any, from time to time ;

(e) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.

4. Interim Application stands disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)