

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

**CRIMINAL APPEAL NO.854 OF 2021
WITH
INTERIM APPLICATION NO.2512 OF 2021
WITH
INTERIM APPLICATION NO.2511 OF 2021
IN
CRIMINAL APPEAL NO.854 OF 2021**

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Dilip Vitthal Lonkar

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Balasaheb Deshmukh for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th OCTOBER, 2021.

P.C.:-

CRIMINAL APPEAL NO.854 OF 2021:

Heard. Admit. Mr. P.H. Gaikwad, learned APP waives service of notice on behalf of Respondent -State. Call for the record and proceedings. Paper book to be filed within a period of six months.

INTERIM APPLICATION NOS. 2511 OF 2021 AND 2512 OF 2021:-

2. These are the applications under Section 389 of the Code of Criminal Procedure, 1973 filed by the Applicant for suspension of substantive sentence imposed vide judgment dated 15/09/2021 passed by the learned Additional Sessions Judge, Pune, in Sessions Case

No.663 of 2008 and to enlarge the Applicant on bail.

3. Heard learned counsel for the Applicant and learned APP for the Respondent-State. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

4. By the impugned judgment the Applicant, original accused No.4 has been held guilty of offences punishable under Section 323, 332, 342 and 353 r/w 34 of the IPC. He has been sentenced to undergo rigorous imprisonment for one year with fine of Rs.25,000/- i/d. simple imprisonment for three months in respect of offence punishable under Section 332 r/w 34 of the IPC. No separate sentence is passed for offence under Sections 323 and 353 of the IPC.

5. Sentence imposed against the Applicant is a short term sentence. The Appeal is already admitted. Considering the large pendency of the appeals and the present situation arising from Covid-19 pandemic, it will not be possible to take up the appeal for final hearing in immediate future.

6. In view of the above facts and also considering the nature of accusation and evidence in support thereof, in my considered view this

is a fit case for suspension of sentence. Hence the applications are allowed on following terms and conditions:-

- (i) The substantive sentence imposed on the Applicant vide vide judgment dated 15/09/2021 in Sessions Case No.663 of 2008 is suspended pending disposal of the appeal.
- (ii) The Applicant is ordered to be released on bail on furnishing PR bonds for Rs.10,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall attend the Trial Court, once in three months on the day /date specified by the Trial court till the appeal is finally disposed of.
- (iv) The Applicant shall furnish his current address and mobile contact number to the Trial Court.
- (v) In case of two consecutive defaults in attending the Trial Court, the Trial Court shall be at liberty to report to the High Court.

7. The applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)