

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

CRIMINAL APPLICATION (APPA) NO. 251 OF 2021
IN
CRIMINAL APPEAL NO. 157 OF 2021

Sau Mangla Ratnakar Gangwane and another

...Versus...

State of Maharashtra through PSO, P.S. Old City, Akola, Tq. and Dist. Akola

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

Court's or Judge's orders

Shri S.V. Sirpukar, Advocate for the applicant/appellant
Shri M.J. Khan, A.P.P. for respondent/State

CORAM : N.B.SURYAWANSHI, J.
DATE : 27/04/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. This is an application under Section 389 of the Code of Criminal Procedure, seeking suspension of substantive sentence. The applicants are convicted in Sessions Case No. 58/2015, under Section 304 part - I read with Section 34 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs. 5000/- each.

4. The applicants have deposited the fine amount of Rs. 5000/- each. The applicants were on bail during the trial and they were not misused the facility. Both the applicants

being ladies and the sentence being short term sentence, in view of the decisions of the Hon'ble Apex Court in the case of *Bhagwan Rama Shinde Gosai and others vs. State of Gujarat, AIR 1999 SC 1859 and Kiran Kumar Vs. State of Madhya Pradesh, 2001 AIR SCW 5130*, the applicants deserve to be released on bail. Hence the following order :

(i) Criminal Application (APP) No. 251/2021 is allowed.

(ii) The substantive sentence of imprisonment imposed on the applicants by the learned Additional Sessions Judge, Akola in Sessions Case No. 58/2015 is hereby suspended on the applicants furnishing PR. bond of Rs. 10,000/- each with one surety in the like amount.

Criminal application is disposed of.

JUDGE