

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

CRIMINAL APPEAL NO. 154/2021

Mukunda S/o Vijay Raut

-VERSUS-

State of Maharashtra.

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

Court's or Judge's Orders

Shri A. S. Londhe, Advocate for appellant.
Ms. N. P. Mehta, APP for respondent/State.

CORAM : VINAY JOSHI, J.

DATE : 31.03. 2021.

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

2. This is an appeal challenging the order dated 15.02.2021 passed in Sessions Case No. 39/2018 by learned Sessions Judge, Akola. The appellant was convicted for the offence punishable under Sections 307 and 506 of the Indian Penal Code. The maximum sentence imposed is to undergo rigorous imprisonment for five years along with total fine of Rs. 10,000/-.

2

3. **Admit.**

4. Learned Additional Public Prosecutor waives service of notice for respondent/State.

5. Call for record and proceedings.

CRIMINAL APPLICATION (APPA) NO. 246/2021

6. This is an application in terms of Section 389 of the Code of Criminal Procedure for suspension of execution of sentence passed in Sessions Case No. 39/2018 vide judgment and order dated 15.02.2021. Applicant/accused has submitted that the Trial Court erred in appreciating evidence which resulted into conviction. He took me through the portion of judgment to impress that the reasons for conviction are not well founded. The applicant was on bail during trial. He has deposited entire fine amount. The punishment awarded was term of five years. Learned Additional Public Prosecutor has not shown any circumstance to claim exception so as to deny suspension of execution of sentence. The appeal will take its own time for disposal in accordance with law.

3

7. In view of above, application is allowed. Execution of substantive sentence stands suspended till disposal of appeal.

8. In the meantime, the applicant/accused - Mukunda S/o Vijay Raut be released on bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two surety in the like amount.

9. Application stands disposed of accordingly.

JUDGE

Gohane.