

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

CRIMINAL APPLICATION [APPA] NO. 307/2021
IN CRIMINAL APPEAL NO.202/2021.

Nagesh Jogayya Yelkuchiwar.

-VERSUS-

The State of Maharashtra, through P.S.O. Aheri, District Gadchiroli.

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

Court's or Judge's Orders

Shri A.C. Jaltare, Advocate for the Applicant/Appellant.
Shri A.M. Kadukar, A.P.P. for the Respondent.

CORAM : VINAY JOSHI, J.

DATE : SEPTEMBER 06, 2021.

Heard.

2. This is an application seeking suspension of execution of sentence. The trial Court held the appellant/applicant guilty for the offence punishable under Section 354 and 323 of the Indian Penal Code. The maximum sentence awarded is of 4 years rigorous imprisonment, along with total fine of Rs.6000/-.

3. During trial the applicant/appellant was on bail. The learned Counsel for the applicant/appellant took me through the impugned judgment and copies of deposition. It is submitted that the assailant was

2

unknown, however, on mere suspicion, appellant has been involved in the crime. Besides that, some inconsistencies and improbabilities have been canvassed. The matter requires consideration. The appeal will take considerable time for its disposal in accordance with law. Fixed term of imprisonment is awarded. No exceptional circumstances are made out for deviating from normal rule of suspending the sentence in like cases. In view of that following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) The execution and implementation of sentence imposed by the Judge, Special Court, Gadchiroli in Special Atrocity Case No.7/2017 vide judgment and order dated 23.02.2021, is hereby suspended till the final disposal of the appeal , on a condition of deposit of entire fine amount before the trial Court.
- (iii) In the meanwhile, the applicant/ appellant – Nagesh Jogayya Yelkuchiwar, be released on bail on his furnishing P.R. Bond in the

3

sum of Rs.25,000/- with one solvent surety
in the like amount.

- (iv) The trial Court to ensure deposit of entire
fine amount before actual release of the
applicant/ appellant.

Rgd.

JUDGE