

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

CRIMINAL APPLICATION [APPA] NO. 303/2021
IN CRIMINAL APPEAL NO. 200/2021.

Rakesh Vishwanath Boga

-VERSUS-

The State of Maharashtra, through P.S.O. Armori, 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 M. Khan, 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 passed in Sessions Case No.60/2018 dated 04.03.2021 by the Sessions Judge, Gadchiroli. The trial Court held the appellant/applicant guilty for the offence punishable under Sections 307 and 452 of the Indian Penal Code. The trial Court imposed maximum punishment to undergo rigorous imprisonment of 5 years along with total fine of Rs.7000/-.

3. During trial the appellant/applicant was in

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jail. The learned counsel for the appellant/applicant took me through the impugned judgment and evidence recorded in the trial Court. Apart from some inconsistencies, it is also submitted that the offence punishable under Section 307 of the Indian Penal Code may not attract in the given facts.

4. The matter requires consideration. It is prominently brought to my notice that from 19.02.2018, the applicant/appellant is in jail, meaning thereby he has already undergone half of the sentence imposed. The appeal will take its own time for disposal in accordance with law. Having regard to the said special feature, the execution of sentence can be suspended. In view of that following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) The execution and implementation of substantive sentence imposed by the Sessions Judge, Gadchiroli in Sessions Case No.60/2018 vide judgment and order dated 04.03.2021, 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 be released on bail on his furnishing P.R.

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Bond in the 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