

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

CRIMINAL APPEAL NO. 180 OF 2021

Kishor Prakash Garad

...Versus...

State of Maharashtra through PSO, P.S. Jaulka, Tq. and Distt. Washim

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. Sirpurkar, Advocate for appellant
Ms T.H. Udeshi, 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. **Admit.**
4. Call for Record and proceedings.
5. The learned Additional Public Prosecutor waives service for the respondent/State.

CRIMINAL APPLICATION (APPA) NO. 282/2021

1. Heard.
2. This application is filed under Section 389 of the Code of Criminal Procedure seeking suspension of substantive sentence of imprisonment imposed on the applicant/appellant by the learned Additional Sessions

Judge, Washim in Sessions Case No. 45/2019, thereby convicting the applicant/appellant under Sections 353, 379 r/w Section 34 of the Indian Penal Code and sentencing him to suffer simple imprisonment for three years and to pay a fine of Rs. 5000/- on each count.

3. The applicant has deposited the fine amount of Rs.10,000/- and the substantive sentence of imprisonment is suspended by the learned Trial Court under Section 389(3) of the Code of Criminal Procedure. In that view, criminal application is allowed. The substantive sentence of the applicant imposed by the learned Sessions Judge, Washim in Sessions Case No. 45/2019 is hereby suspended on same terms and conditions as imposed by the learned Trial Court.

4. Criminal application is disposed of.

JUDGE