

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

CRIMINAL APPEAL NO.186 OF 2021
WITH
CRIMINAL APPLICATION (APPA) NO.287 OF 2021

Pramod Bhaurao Deshmukh and others

...**Versus**...

The State of Maharashtra, through P.S.O., P.S. Kurha, Amravati, Dist.
Amravati.

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

Court's or Judge's order

Shri. A. Daga, Advocate for appellants/applicants
Shri. M. J. Khan, APP for Respondent/State.

CORAM : **N. B. SURYAWANSHI, JJ**

DATED : **29th APRIL, 2021.**

Heard.

2. At the outset, the learned Advocate for the appellants seeks leave to add the victim/original complainant as respondent no.2. Leave is granted. Amendment to be carried out within two weeks. The added respondent be served within a period of four weeks thereafter.

3. In addition to regular mode of service, private service is permitted, as per Rules.

4. **Admit.**

5. Call for Record and Proceedings.

6. Learned Addl. Public Prosecutor waives

service for respondent/State.

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7. Leave is granted to add the victim/original complainant as respondent no.2. Amendment to be carried out within two weeks. The added respondent be served within a period of four weeks thereafter.

8. The applicants/appellants seek suspension of their substantive sentence of imprisonment by this application, filed under Section 389 of the Code of Criminal Procedure. The applicants are convicted by the learned Sessions Judge, Amravati in Sessions Case No.38 of 2011 for offences punishable under Sections 143, 147, 148, 307 and 324 read with Section 149 of the Indian Penal Code and are sentenced to suffer maximum sentence of three years and to pay a fine of Rs.5,000/- on each count.

9. During the course of trial, the applicants were on bail and they have not misused the facility of bail. After the conviction, the learned trial Court has suspended their substantive sentence under Section 389 of the Code of Criminal Procedure. The applicants, therefore, are entitled for suspension of their sentence. Hence, the following order :

i) Criminal Application No.287 of 2021 is allowed.

ii) The substantive sentence of imprisonment passed against the applicants in Sessions Case No.38 of 2011, is hereby suspended on the same terms and conditions as are imposed by the learned trial Court while suspending their sentence. The applicants shall deposit the fine amount in the trial Court within a period of two weeks from today.

iii) The Criminal Application is disposed of.

(N. B. SURYAWANSHI, J.)