

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

Criminal Application (APPA) No.10 of 2021
IN
Criminal Appeal No.11 of 2021

Dipak @ Warlu Tukaram Kamatwar **Vs.** State of Maharashtra thr. the Station Officer, Ghuggu's,
Chandrapur

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

Court's or Judge's Orders

Ms. Aarti Singh, Advocate for the Applicant.
Ms. Shamshi Haider, APP for the Non-applicant/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 3rd FEBRUARY, 2021.

This is an application under Section 389 of the Code of Criminal Procedure, 1973 for suspension of sentence imposed by judgment dated 23/06/2020 in Spl. (Atrocity) case No.17/2018.

The applicant has been convicted for offences punishable under Sections 354, 354-A(2) and 452 of the Indian Penal Code. The maximum sentence imposed is of four years. It is stated that the applicant has already undergone sentence almost of two years five months. Under the circumstances, failure to suspend sentence may render the appeal infructuous as the appeal is not likely to come up for hearing at least for next couple of years due to pendency of old cases. Hence, the following order:-

- i. The application is **allowed**.
- ii. The execution of sentence imposed *vide* impugned judgment dated 23/06/2020 in Spl. (Atrocity) case No.17/2018 is suspended till the disposal of the appeal, subject to the applicant on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety

in the like amount.

iii. The applicant shall remain present in the Court as and when directed.

iv. The criminal application is disposed of.

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Heard. Arguable points are raised. Hence, **admit.**

Ms. Shamshi Haider, learned APP waives service of notice on behalf of the respondent/State.

Call for the record and proceedings.

Private paper-book to be filed within six months.

(SMT. ANUJA PRABHUDESSAI, J.)