

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

CRIMINAL APPEAL No. 447 OF 2021

(Deepak Ramraoji Khodaskar and others VS. State of Maharashtra)

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

Court's or Judge's orders

Mr. P. V. Navlani, Advocate for the appellants.
Mr. H.D. Dubey, APP for the respondent.

CORAM : VINAY JOSHI, J.
DATED : 26-10-2021

Heard.

2. Admit.
3. The learned APP waives service of notice on behalf of the respondent.
4. Call for record and proceedings.

Criminal Application (APPA) No.614/2021

1. Heard.
2. This is an application seeking suspension of execution of sentence passed in Sessions Case No.234/2018 by Additional Sessions Judge, Amravati vide its order dated 30.09.2021. The Trial Court held that the appellants guilty for commission of offence punishable under Sections 143, 147, 341 read with Section 149 and Section 427 read with Section 149 of the Indian Penal Code and Section 3(2) (A) of the Prevention of Damage to the Public Property Act, 1984. Though the Trial Court has passed separate sentence for each of the offence, the maximum sentence imposed is to

undergo R.I. for six months for the offence punishable under Section 3(2) (A) of the Prevention of Damage to the Public Property Act, 1984. Besides that the Trial Court has imposed total fine of Rs. 28,500/- each.

3. During trial, the appellants were on bail and post conviction, the Trial Court has suspended execution of sentence. Moreover, the appellants have deposited the entire fine amount on 30.9.2021 of which photo copies of receipts are tendered. The appeal will take its own time for disposal.

4. Considering the short term of sentence, following order:-

(i) The execution of substantive sentence stands suspended till the final disposal of the appeal.

(ii) In the meantime, the appellants shall be released on bail on the same terms and conditions as imposed by the Trial Court while suspending sentence.

5. Application stands disposed of.

JUDGE