

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

CRIMINAL APPEAL NO. 512/2021

(Ayub Latif Deshmukh Vs. The 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

Shri B. Daffe, Advocate for appellant/applicant.

Shri H. D. Dubey, APP for respondent- State/ non-applicant

CORAM : VINAY JOSHI, J.

DATED : 04.12.2021.

Heard

2. **Admit.**

3. Learned APP waives service of notice for respondent/State.

4. Call for R. and P.

CRIMINAL APPLICATION (APPA) NO. 693/2021

1. The applicant/appellant is seeking for suspension of execution of sentence passed in Sessions Trial No. 168/2019. The Trial Court convicted the applicant for the offence punishable under Sections 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months along with fine of Rs. 5,000/-

2. The applicant has deposited entire fine amount on the date of conviction itself. Learned counsel for the applicant submitted that on the date of conviction, the

Trial Court has suspended the execution of sentence in terms of Section 389(3) of the Code of Criminal Procedure. The appeal will take considerable time for disposal. Considering the short tenure of the term of imprisonment, case for suspension is made out.

3. In view of that, execution of substantive sentence passed in the Sessions Trial No. 168/2019 is hereby suspended till final disposal of the appeal.

4. In the meantime, the applicant – Ayub Latif Deshmukh shall be released on bail on the same terms and conditions as imposed by the Sessions Court while suspending the sentence.

JUDGE

Gohane