

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1709 OF 2022
IN
CRIMINAL APPEAL NO. 382 OF 2022

PARMESHWAR DIGAMBAR POLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P.A. Bhosle
APP for Respondent - State : Mr. P.N. Kutti

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CORAM : S.G. DIGE, J.
DATE : 24th MAY, 2022

ORDER :

1. Learned counsel for the applicant submits that, applicant has been convicted under Section 332 of the Indian Penal Code and sentence of three years is awarded to him. Hence application be allowed and during pendency of the Appeal the sentence awarded to the applicant be suspended.

2. Learned APP submits that the appropriate orders may be passed.

3. It appears from record that, during the trial applicant/accused was on bail. The short term sentence is awarded against the applicant/accused and hence this

application is filed by the applicant to suspend the substantive sentence.

4. By taking into considering all above aspect, it appears that the short term sentence has been awarded. Further when the appeal is admitted, it will take its own time to come up for hearing. Hence, the conviction awarded to the applicant deserves to be suspended till the conclusion of the appeal. Hence, I pass the following order :-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The conviction awarded to the applicant-appellant in Sessions Case No.95/2021 by the learned Additional Sessions Judge, Jalna under section 332 of the Indian Penal Code on 31.03.2022 is hereby suspended till the hearing and conclusion of Criminal Appeal No.382 of 2022.
- (iii) The applicant-accused shall be released on bail on executing P.B. & S.B. of Rs.20,000/- (Rs. Twenty thousand only) before the trial Court.
- (iv) The parties to act upon authenticated copy of this order.

[S.G. DIGE, J.]