

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1693 OF 2022
IN
CRIMINAL APPEAL NO.377 OF 2022**

Shri Sanjay S/o Ravan Patil

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Amarjitsing B. Girase Advocate for Applicant.
Mr.S.P. Deshmukh, A.P.P. for Respondent.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 27th JUNE, 2022

ORDER :

1. Heard both sides.
2. This is an Application for suspension of sentence. The learned Additional Sessions Judge, Nandurbar by Judgment and order dated 2nd May 2022 passed in Sessions Case No.25 of 2020, convicted and sentenced the applicant / appellant thus:-

" 1] Accused Sanjay Ravan Patil, R/o. Vaindane, Tal. Nandurbar District Nandurbar is hereby convicted for the offence punishable under Section 353 of the Indian Penal Code, as per the provisions of Section 235(2) of the Code of Criminal Procedure and he is sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/- (Rupees five hundred only) for the offence punishable under Section 353 of the Indian Penal Code, in default, to suffer simple imprisonment for five days.

2] Accused Sanjay Ravan Patil, R/o. Vaindane, Tal. Nandurbar District Nandurbar is hereby convicted for the offence punishable under Section 332 of the Indian Penal Code, as per the provisions of Section 235(2) of the Code of Criminal Procedure and he is sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/- (Rupees five hundred only) for the offence punishable under Section 332 of the Indian Penal Code, in default, to suffer simple imprisonment for five days.

3] Accused Sanjay Ravan Patil, R/o. Vaindane, Tal. Nandurbar District Nandurbar is hereby convicted for the offence punishable under Section 504 of the Indian Penal Code, as per the provisions of Section 235(2) of the Code of Criminal Procedure

and he is sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/- (Rupees five hundred only) for the offence punishable under Section 504 of the Indian Penal Code, in default, to suffer simple imprisonment for five days.

4] Accused Sanjay Ravan Patil, R/o. Vaindane, Tal. Nandurbar District Nandurbar is hereby convicted for the offence punishable under Section 506 of the Indian Penal Code, as per the provisions of Section 235(2) of the Code of Criminal Procedure and he is sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/- (Rupees five hundred only) for the offence punishable under Section 506 of the Indian Penal Code, in default, to suffer simple imprisonment for five days.

5] All the substantive sentences of imprisonment inflicted on accused shall run concurrently. "

3. Taking into consideration the sentence that has been awarded to the appellant, i.e. maximum sentence that has been awarded is of three months and it is less likely that the matter would be heard finally in the near future and in view of the

decision in Kiran Kumar vs. State of M.P., (2001) 9 SCC 211, the sentence deserves to be suspended till the final hearing and disposal of the Appeal. This Court, by order dated 17th May 2022 granted interim relief to the applicant and temporarily suspended the sentence imposed against the applicant, which deserves to be confirmed. Hence following order is passed:-

ORDER

(I) The Application stands allowed and disposed of.

(II) The interim relief granted by this Court by order dated 17th May 2022 is hereby confirmed. It is clarified that the substantive sentence imposed on the applicant / appellant by the learned Additional Sessions Judge, Nandurur in Sessions Case No.25 of 2020, dated 2nd May 2022, is hereby suspended till the hearing and final disposal of Criminal Appeal No.377 of 2022.

(III) The applicant / appellant – Sanjay Ravan Patil be released on bail on executing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand), if already not released.

(IV) The applicant / appellant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner.

(V) The applicant / appellant shall remain present before the learned Trial Judge once in six months, till final hearing and disposal of the Appeal, commencing from the date he tenders bail papers, and thereafter, the Trial Judge to fix dates for his subsequent appearances.

(VI) In case of two consecutive defaults on the part of the applicant / appellant to remain present before the Trial Court, the Trial Court to inform this Court about the same, and in that eventuality the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.

(VI) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]