

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

CRIMINAL APPLICATION NO. 2027 OF 2022

IN

CRIMINAL APPEAL NO.505 OF 2019

KISAN DNYANDEO BHAVAR

VERSUS

THE STATE OF MAHARASHTRA

....

Mr. Sudarshan J. Salunke, Advocates for the Applicant
Mr. S.P. Deshmukh, APP for Respondent No.1 /State

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 5 AUGUST, 2022

PER COURT:-

. It is the second application for suspension of sentence and bail moved by the applicant/appellant.

2. Heard Mr. S.J. Salunke, learned counsel for the applicant/appellant and Mr. S.P. Deshmukh, learned APP for Respondent/State.

3. Mr. Salunke, learned counsel for the applicant/appellant has been fair enough to submit that this court was pleased to reject the earlier application for suspension of sentence vide order dated 06.11.2019. However, he submitted that the applicant/appellant was on emergency parole during the period of Covid-19 pandemic and recently he has surrendered before the jail authority. He,

therefore, urged to consider his application for suspension of sentence.

4. Mr. S.P. Deshmukh, learned APP for the respondent/State opposed to allow this application on the ground that there are no change in circumstances.

5. I have gone through the order passed earlier by this Court (Coram: K.K. Sonawane, J.) in criminal application No.1720 of 2019 dated 06.11.2019. The application for suspension of sentence came to be rejected by the reasoned order. There are no change in circumstances to consider this second application for suspension of sentence. Though the appellant was released earlier on Covid-19 emergency parole, that ground cannot be termed as change in circumstances and to suspend his sentence. Under these circumstances, no merit to consider the fresh prayer. Hence, the following order.

ORDER

- (i) The application stand rejected.
- (ii) The Criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane