

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 CRIMINAL APPLICATION NO.2189 OF 2022
IN
CRIMINAL APPEAL NO. 495 OF 2022

RAM UTTAM CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr Sudarshan J. Salunke
APP for Respondent No. 1/State : Mr G.O. Wattamwar

CORAM : SHRIKANT D. KULKARNI , J.
DATE : 25th JULY, 2022

PER COURT :

1. It is an application for suspension of sentence coupled with bail moved by the appellant/accused.
2. Heard Mr S.J. Salunke, learned counsel for the appellant/accused and Mr G.O. Wattamwar, learned APP for the State.
3. Perused the impugned Judgment and order of conviction passed in Special Sessions case No. 43/2020 dated 24.06.2022 by the Additional Sessions Judge, Beed.
4. On going through the impugned Judgment and order of conviction, it is evident that appellant/accused came to be convicted for the offence punishable under Section 92 of the Rights of Persons with Disabilities Act, 2016 and sentenced to suffer rigorous imprisonment for two years and pay fine of Rs. 1,000/- with default stipulation. He was also convicted for the offence punishable under section 323 of I.P.C. and sentenced to suffer rigorous imprisonment for six months and pay fine of Rs.500/- with default stipulation. The appellant/accused came to be acquitted for the offences punishable under sections 504 and 506 of the I.P.C. Both the sentences were directed to run concurrently. The fine of Rs. 1500/- was directed to be paid to the victim/complainant towards compensation in view of section 357 (1) of Cr.P.C.

5. That impugned Judgment and order of conviction is challenged before this Court by way of appeal on various grounds. The appeal is under scrutiny. The fine amount imposed by the trial court has been deposited. It is further revealed during the course of argument that the appellant/accused was on bail during the trial and even after the conviction, he was released on bail by the trial court.

6. Having regard to the above scenario and in view of the fact that the appellant/accused was on bail during trial, it would be just and proper to allow this application for suspension of sentence and bail.

ORDER

- (i) The Criminal Application is allowed.
- (ii) The impugned order of sentence passed in Special Sessions Case No. 43/2020 by the Additional Sessions Judge, Beed is hereby suspended till final decision of the appeal.
- (iii) He be released on bail on his furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand) with one or two sureties of the like amount.
- (iv) The bail before the trial court.
- (v) The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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