

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

**CRIMINAL APPLICATION NO.2327 OF 2022
IN
CRIMINAL APPEAL NO.526 OF 2022**

Haribhau Bhagwan Solanke,
Age-54 years, Occu:Agril.,
R/o-Sadola, Tq-Majalgaon,
District-Beed.

...APPLICANT

VERSUS

The State of Maharashtra,
Through its Police Station,
Majalgaon (City), Tq-Dharur,
District-Beed.

...RESPONDENT

...
Mr.Bhagwan R. Sable Advocate for Applicant.
Mr.S.P. Deshmukh, A.P.P. for Respondent.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 22nd JULY, 2022

ORDER :

1. Present application has been filed for suspension of sentence.

2. Heard learned Advocate for the applicant and learned APP for the respondent – State.

3. It will not be out of place to mention here that the learned Additional Sessions Judge, Majalgaon in Sessions Case No.15 of 2019, by order dated 28th June 2022, has convicted and sentenced the applicant thus:

“1. The accused namely Haribhau s/o Bhagwan Solanke Age-50 years is hereby convicted for the offence punishable under Section 332 of I.P.C. in view of provision of Section 235(2) of Cr.P.C. and sentenced to undergo simple imprisonment of three months and to pay fine amount of Rs.5,000/- (Rs. Five Thousand only) and in default to pay fine amount, he shall further undergo S.I. of 3 weeks.

2. The accused is further convicted for the offence punishable under Section 506 of I.P.C. in view of provision of Section 235(2) of Cr.P.C. and sentenced to undergo simple imprisonment of one month and to pay fine amount of Rs.1000/- (Rs.One Thousand only) and in default to pay fine amount, he shall further undergo S.I. of 15 days.”

4. Taking into consideration the fact that the sentence that has been awarded is small sentence and it is less likely that the appeal would be heard in near future and taking into consideration the points in favour of the applicant / appellant that: (1) the appellant was on bail during trial, (2) he has deposited the fine amount and (3) he deserves the benefit of ***Kiran Kumar vs. State of M.P., (2001) 9 SCC 211***, the sentence awarded against the appellant deserves to be suspended till the hearing and final disposal of the Appeal. Hence the following order:-

ORDER

(I) Application stands allowed and disposed of.

(II) The substantive sentence awarded against the applicant/ appellant in Sessions Case No.15 of 2019 by learned Additional Sessions Judge, Majalgaon on 28th June 2022 stands suspended till the final hearing and disposal of Criminal Appeal No.526 of 2022.

(III) The applicant – Haribhau Bhagwan Solanke be released on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each.

(IV) The applicant shall not commit any criminal activity.

(V) The applicant 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 tender bail papers and thereafter, the Trial Judge to fix dates for his subsequent appearance.

(VI) In case of two consecutive defaults on the part of the applicant 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.

(VII) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]