

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CRIMINAL APPLICATION NO. 2852 OF 2022
IN APPEAL/622/2022

(1) PRAVIN SURESH DANDWANI
(2) SURESH BAKHATRAM DANDWANI
(3) VISHAL SURESH DANDWANI
(4) UMESH SURESH DANDWANI
(5) SARANG NANDU GAWALI

VERSUS

STATE OF MAHARASHTRA

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Advocate for Applicants : Chatterji Joydeep
APP for Respondent/State : Mr R.D. Sanap

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th AUGUST, 2022

PER COURT :

1. Heard Mr Joydeep Chatterji, learned counsel for the applicants/ appellants. He submitted that the maximum sentence awarded against the applicants is simple imprisonment for six months and total fine amount of Rs.26,000/- and applicants have deposited the entire amount of fine with the trial court. He submitted that the applicants were on bail during the trial. They may be released on bail by suspending sentence in view of small volume of sentence awarded by the trial court.

2. It is pointed out by Mr Chatterji, learned counsel for the applicants that the Sessions Judge has suspended the sentence till filing

of the appeal which is not permissible under section 389 of Cr.PC. I do find force in the submissions. The learned Sessions Judge ought to have given sufficient time to file appeal by suspending the sentence under section 389 of Cr.PC and it was improper on the part of the Sessions Judge to suspend the sentence till filing of appeal which may even result in sending the applicants behind the bars.

3. Mr R.D. Sanap, learned APP for the State opposed to suspend the sentence.

4. On going through the impugned Judgment and order, it is noticed that the learned trial court was pleased to acquit the applicants from serious offences punishable under sections 395, 326, 325, 504, 506, 148 read with section 149 of Indian Penal Code.

5. By looking to the small volume of sentence awarded by the trial court, it is just and proper to suspend the substantive sentence and release the applicants on bail. There are no extraordinary circumstances to keep the applicants behind the bars.

ORDER

(i) The Criminal Application is hereby allowed.

(ii) The execution of substantive sentence passed against the applicants in Sessions Case No.140/2013 by the Sessions Judge, Dhule is hereby suspended till final decision of the appeal.

- (iii) The applicants (1) Pravin Suresh Dandwani (2) Suresh Bakhattram Dandwani (3) Vishal Suresh Dandwani (4) Umesh Suresh Dandwani and (5) Sangram Nandu Gawali shall be released on bail on their furnishing P.R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) each with one or two solvent sureties of the like amount by each of them.
- (iv) They shall give their in-detail address with their Cell Numbers with the trial court.
- (v) Bail before the trial court.
- (vi) The Criminal Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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