

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

**CRIMINAL APPLICATION NO. 3317 OF 2022
IN
CRIMINAL APPEAL NO. 726 OF 2022**

1. Sachin Machindra Jadhav
Age : 31 years, Occu. : Agri.

2. Balu Raghunath Jadhav
Age : 42 years, Occu. : Agri.

3. Nitin Vaijinath Jadhav
Age : 31 years, Occu. : Agri.

4. Vaijinath Bhikaji Jadhav
Age : 58 years, Occu. : Agri.

All r/o Apegaon, Tq. Gangapur
Dist. Aurangabad

.. Applicants

Versus

The State of Maharashtra
through Police Inspector

.. Respondent

Mr. N. D. Sonavane, Advocate for the Applicants.
Mr. Y. G. Gujarathi, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 10th OCTOBER, 2022.

P C. :-

1. Heard the parties.

2. Learned advocate for the applicants submits that the applicants are convicted for an offence punishable under Section 324 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for one

(01) year and to pay a fine of Rs. 2,000/- (Rs. Two Thousand only) and in default to suffer simple imprisonment for one (01) month. The learned Trial Court has acquitted the applicants so far as other sections are concerned. During the trial the applicants were protected by order anticipatory bail. There is no complaint of misuse of liberty. They have also paid fine amount on the date of judgment itself. The applicants are protected under Section 437-A of the Code of Criminal Procedure and thus, they have not yet surrendered. In view of this, the applicants pray for suspension of sentence that is awarded by the learned Additional Sessions Judge, Vaijapur, District Aurangabad by judgment and order dated 16.09.2022 in Sessions Case No. 108/2012.

2. The learned APP opposes the prayer stating that there is evidence on record which is rightly appreciated by the learned Court below and the learned Court below has rightly recorded the conviction.

3. Considering the fact that, it is only a short sentence and there is no possibility of hearing of appeal in near future, sentence of applicants is suspended.

4. Criminal application is disposed of accordingly.

(KISHORE C. SANT, J.)

PS.B.