

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

CRIMINAL APPLICATION NO.2569 OF 2021

IN

CRIMINAL APPEAL NO.104 OF 2019

Manoj Prabhakar Lohar

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.N.S.Ghanekar, Advocate for applicant

Mr.R.V.Dasalar, APP for respondent – State

Mr.R.N.Dhorde, Senior Advocate i/b. Mr.D.S.Bagul, Advocate for complainant

CORAM : R.G.AVACHAT AND

R.M.JOSHI, JJ.

DATE : DECEMBER 22, 2022

ORDER :-

The applicant/appellant – Manoj Prabhakar Lohar, vide order dated 19.01.2019 passed by learned Addl. Sessions Judge, Jalgaon, in Sessions Case No.131 of 2012, has been convicted for the offences punishable under Sections 342, 346, 348, 364-A, 385, 504 and 506 read with Section 34 of Indian Penal Code (I.P.C.). He has been sentenced to suffer life imprisonment for the offence punishable under Section 364-A of (I.P.C.). For the rest of the offences for which he has been convicted, he is sentenced to suffer rigorous

imprisonment for the term varying from one year to two years. All the sentences have been directed to run concurrently.

2. The applicant is in jail for little over four and half years.

3. On hearing of the appeal, we are of the *prima facie* view that the applicant/appellant has a good case so far as his conviction for the offence under Section 364-A of I.P.C. We shall, however, not be misconstrued to have made any observations either way over his conviction in respect of the other offences.

4. It will take time for pronouncement of the judgment.

5. We are, therefore, inclined to suspend further substantive sentence of imprisonment of the applicant, pending decision of the appeal.

6. It is reiterated that the observations made herein are *prima facie* in nature.

7. Pending decision of the appeal, the substantive sentence of imprisonment imposed by learned Addl. Sessions Judge, Jalgaon, in Sessions Case No.131 of 2012 vide judgment and order dated

19.01.2019, to stand suspended. The applicant/appellant - Manoj Prabhakar Lohar be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

8. The application stands disposed of accordingly.

[R.M. JOSHI, J.]

[R.G. AVACHAT, J.]

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KBP