

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

**925 CRIMINAL APPLICATION NO. 4204 OF 2022 IN
APPEAL/953/2022**

**GANESH BABASAHEB WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. D. A. Mane, Advocate h/f Mr. Nilkanth Pawar, Advocate for
the applicants

Mr. S. W. Mundhe, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 21st DECEMBER, 2022

P. C.

1. This is an application seeking suspension of substantive sentence as awarded by the learned Additional Sessions Judge, Jalna dated 24-11-2022 in Sessions Case No. 165/2020. By way of impugned judgment and order the applicants are held guilty for the offences punishable under Section 324 read with Section 34 of the Indian Penal Code and are directed to suffer rigorous imprisonment for 1 year and to pay fine of Rs.5000/- and in default to undergo rigorous imprisonment for three months and also sentenced to suffer rigorous imprisonment for 6 months and to pay fine Rs.2000/- in default to undergo rigorous imprisonment for one month. He

submits that fine is already paid by the applicants. They were on bail during the trial. There is no complaint of misuse of liberty.

2. Considering that the sentence is short sentence only of one year and sentence is already suspended, this court finds that it would be appropriate to suspend the sentence during pendency of the appeal. Hence the following order:

ORDER

a] The criminal application is allowed.

b] Substantive sentence awarded by the learned Sessions Judge by the judgment and order dated 24-11-2022 in Sessions Case NO. 165/2020 is suspended pending the appeal.

[KISHORE C. SANT, J.]

VishalK/criapln4204.22