

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

**CRIMINAL APPLICATION NO. 4293 OF 2022
IN
CRIMINAL APPEAL NO. 973 OF 2022**

1. Shubham Balaji Jadhav
 2. Babu Arun Jadhav
 3. Akash Bhagwan Mane
 4. Dharam Hanumant Jadhav
 5. Bhola @ Ravi Laxman Mane .. Applicants
- Versus

The State of Maharashtra .. Respondent

Mr. S. S. Gangakhedkar, Advocate for the Applicants.

Mr. Y. G. Gujarathi, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 22nd DECEMBER, 2022.

P C. :-

1. This is an application filed by the original accused who have filed appeal in this Court challenging the judgment and order passed by the learned Additional Sessions Judge-1, Nanded dated 02.12.2022 in Sessions Case No. 62/2021 thereby holding the applicants guilty for the offences punishable under Sections 143, 144, 147, 148, 149, 341, 336, 427, 353 r/w Section 149 of the Indian Penal Code. They are directed to suffer various sentences under the sections. The maximum sentence is awarded for the offence punishable under Section 353 r/w Section

149 of the Indian Penal Code that is three (03) years rigorous imprisonment and to pay fine of Rs. 10,000/- (Rs. Ten Thousand only) each in default to suffer rigorous imprisonment for a period of six (06) months.

2. All the applicants were on bail during the trial. The entire fine amount is paid on the date of judgment and upon that their sentence is already suspended till appeal period.

3. Considering the fact that, the maximum sentence is of three (03) years and the applicants were on bail during the trial, this Court finds that the sentence deserves to be suspended pending the appeal. Hence, the following order.

ORDER

(I) The Criminal Application No. 4293/2022 is allowed.

(II) The substantive sentence awarded by the learned Additional Sessions Judge-1, Nanded dated 02.12.2022 in Sessions Case No. 62/2021 is suspended pending the appeal.

(III) The criminal application stands disposed off.

(KISHORE C. SANT, J.)