

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

**CRIMINAL APPLICATION NO. 4328 OF 2022
IN
CRIMINAL APPEAL NO. 979 OF 2022**

Jagdish Tarachand Gaud

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. S. P. Sonwane, Advocate h/f Mr. P. P. More, Advocate for the Applicant.
Mr. S. W. Munde, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 22nd DECEMBER, 2022.

P. C. :-

1. At the outset, learned advocate for the applicant seeks leave to add PW-1 – Akash Tekur as a party-respondent since the compensation is directed to be paid to him. Leave is granted.
2. This is an application filed by the accused No. 1 in Sessions Case No. 56/2019 who is convicted by the order dated 30.11.2022 by the learned Sessions Judge, Jalna. Though other accused are also held guilty for the offence punishable under Section 324 r/w Section 34 of the Indian Penal Code (for short “I.P.C.”), they are given benefit of probation of good conduct and released on furnishing personal bond on

usual terms and conditions. Other accused persons are also acquitted from the offence punishable under Sections 307 and 504 of the I.P.C. The present applicant is convicted for the offence punishable under Section 326 of the I.P.C. and is directed to suffer the sentence for three (03) years and to pay fine of Rs. 25,000/- (Rs. Twenty Five Thousand only). It is submitted that, the applicant was on bail during the trial. He also paid the fine amount of Rs. 25,000/- (Rs. Twenty Five Thousand only) on the date of order and his sentence is suspended.

3. Since the sentence is a short sentence and the applicant has already deposited the amount of fine and the sentence is also suspended, this Court finds that the applicant has made out a case to suspend the sentence. Hence the following order.

ORDER

(I) The criminal application is allowed.

(II) The sentence awarded by the learned Sessions Judge, Jalna by order dated 30.11.2022 in Sessions Case No. 56/2019 shall stand suspended pending the appeal.

(III) The criminal application is disposed off.

(KISHORE C. SANT, J.)

PS.B.