

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.3/2022

IN
CRIMINAL APPEAL NO.2/2022

Nandlal s/o Manal Farkunde

...Versus...

The State of Maharashtra, through PSO of P.S. Rawanwadi, Tah. & Dist. Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Ayush Sharma, Advocate for applicant/appellant
Shri I.J. Damle, Addl. PP for non-applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/01/2022

1. Heard Shri Ayush Sharma, learned Counsel for the applicant/appellant and Shri I.J. Damle, learned Additional Public Prosecutor, who appears for the non-applicant/State.

2. The applicant/appellant has been convicted for the offence punishable under Sections 354 and 452 of the Indian Penal Code by the learned Ad hoc Sessions Judge -1 Gondia in Special Atrocity Case No.14/2015 vide judgment dated 08/12/2021 and has also been acquitted for the offence punishable under Section 3 (1) (xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

3. The learned Counsel for the applicant/appellant submits that the impugned judgment does not consider the evidence in its proper perspective in the matter of rendering conviction. The applicant/appellant is having a good case on merit and the sentence be suspended.

4. Considering the nature of the sentence, the same stands suspended during the pendency of the appeal, as the statement made by the learned Counsel for the applicant/appellant that the entire fine amount stands deposited with the learned Trial Court, is accepted. The Criminal Application is therefore allowed in the above terms and the applicant/appellant be released on bail on the same terms and conditions on which he was released during the pendency of the trial.

5. The learned Counsel for the applicant/appellant has already filed the copy of the judgment as well as the deposition on record, considering which, he is requested to place on record the exhibited documents so that the appeal can be decided at the stage of admission itself.

(AVINASH G. GHAROTE, J.)