

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

CRIMINAL APPEAL NO.183 OF 2022

AND

CRIMINAL APPLICATION (APPA) NO. 227 OF 2022

(PRAVIN @ SUPAJI PANDURANG DEOKATE....VS.. STATE OF MAH. THR. PSO PS CHANNI, DIST.
AKOLA.)

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

Court's or Judge's orders

Shri R.R.Vyas, Advocate for Appellant.
Shri S.D.Sirpurkar, A.P.P. for Respondent No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 30, 2022.

CRI. APPEAL NO.183/2022.

1. Heard.
2. ADMIT.
3. Shri S.D.Sirpurkar, learned A.P.P. waives notice for the Respondent No.1/State.

CRI.APPLN.NO.227/2022.

4. Heard.
5. The appellant has filed this appeal challenging the judgment and order dated 25th February 2022 passed by learned Sessions Judge, Akola in Special (Atrocities) Case No. 10 of 2019 convicting the appellant for the offences punishable under Sections 354-A, 504, 506 of

the Indian Penal Code and Section 3(1)(r),(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Atrocities Act”). The appellant is sentenced to suffer rigorous imprisonment for a period of one year with fine of rupees one thousand under Section 354-A of the Indian Penal Code and with similar sentence for the offences punishable under Sections 504, 506 of the Indian Penal Code and Section 3(1)(r) & (s) of the Atrocities Act.

6. The appellant is praying for suspension of sentence and grant of bail. It is submitted that the applicant was on bail during trial and he has not abused the concession. It is further submitted that the applicant has a good case on merit and there is every likelihood that the appellant will succeed in the appeal.

7. I have perused the judgment and order and the reasons recorded by the learned trial Court.

8. After considering the findings recorded by the learned trial Court, I am of the opinion that the reappraisal and reappreciation of the evidence is necessary in this case and as there is no possibility that the present appeal would come up for final hearing in near future, I am of the opinion that the present application needs to be allowed. Hence, I pass the following order:

- i) The Criminal Application is allowed.
- ii) The substantive sentence, imposed on the applicant/appellant vide judgment and order dated 25/02/2022 by the learned Sessions Judge, Akola in Special (Atro.) Case No. 10 of 2019 is hereby suspended and the applicant/appellant is directed to be released on bail on his executing P.R.Bond in the sum of rupees Fifteen Thousand with one solvent surety in the like amount.

The Criminal Application stands **disposed of** accordingly.

JUDGE

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