

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

CRIMINAL APPEAL NO.241/2022
IN
CRIMINAL APPLICATION (APPA) NO. 306/2022

Amol s/o Uttamrao Mohod Vs State of Maha., thr. P.S.O., PS Rajapeth, Amravati,
Dist. Amravati.

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

Court's or Judge's Order

Shri S.M.Kamble, counsel for the Appellant/Applicant.
Shri T.A.Mirza, APP for the Respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : 21/04/2022.

Heard.

Admit.

Call for record and proceedings.

Shri T.A.Mirza, learned APP waives notice for
Respondent /State.

CRIMINAL APPLICATION (APPA) NO. 306/2022

1. This is an application for suspension of sentence
and for grant of bail.

2. The applicant has been convicted for the offences
punishable under Sections 130 and 119 punishable under
Section 117, and in addition to the offence punishable under

Section 179(2) of the Motor Vehicle Act, 1988 and sentenced to suffer simple imprisonment of one year and to pay a fine of Rs.2,000/-, in default, to suffer simple imprisonment for one month. Under Section 130, the applicant is sentenced to pay a fine of Rs. 100/- for the offence under Section 130, punishable under section 177 of the Motor Vehicles Act, 1988 and sentenced to pay fine of Rs. 100/-, in default to suffer simple imprisonment for seven days. The applicant to pay fine of Rs. 500/- for the offence punishable under Section 179 (2) of the Motor Vehicles Act, 1988, in default to suffer simple imprisonment for fifteen days.

3. Learned counsel for the applicant submitted that he has very good case on merit and there is every likelihood that he would succeed in the present matter.

4. On the other hand, learned APP opposes the present application.

5. I have perused the impugned judgment and findings recorded by the learned trial Court, I am of the opinion that in this case re-appreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present application needs to be allowed. Hence, I pass the following order:

- i] Criminal application is **allowed**.
- ii] The substantive sentence imposed by the learned Additional Sessions Judge, Amravati in Sessions Trial No. 182/2019, vide judgment and order dated 24/02/2022, is suspended till disposal of the appeal;
- iii] The applicant shall be released on bail on executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

[JUDGE]

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