

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

CRIMINAL APPEAL NO.209 OF 2022

Umesh Kawaduji Thawkar and others

Versus

The State of Maharashtra, through P.S.O., P.S. Kuhi, Dist. Nagpur.

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

Court's or Judge's Order

Shri Daga, Advocate for the Appellants.

Shri S.D.Sirpurkar, APP for the State/Respondent.

CORAM : ANIL S. KILOR, J.

DATED : 07/04/2022.

1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. Shri S.D.Sirpurkar, learned A.P.P. waives service of notice for the Respondent/State.

CRIMINAL APPLICATION (APPA) NO. 262/2022

1. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.

2. The applicants/appellants have been convicted for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code. The applicants are sentenced to

suffer rigorous imprisonment for three years and pay a fine of Rs. 25,000/- in default to suffer rigorous imprisonment for nine months. The applicants are further convicted under Section 304-B read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years.

3. The applicants/appellants were on bail during the pendency of trial.

4. I have perused the impugned judgment and order 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, Nagpur in Session Trial No. 97/2017, vide judgment dated 25/03/2022, is suspended till disposal of the appeal;
- iii] The appellants/applicants shall be released on bail on executing P.R. Bond for Rs.15,000/- each with solvent surety each in the like amount.

The Criminal Application is **disposed** of, accordingly.

[JUDGE]