

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

CRIMINAL APPLICATION (APPA) NO. 280/2022
IN
CRIMINAL APPEAL NO.225/2022

Suresh Tulshiram Khadase Vs State of Maha., thr. P.S.O., P.S. Chandur-Rly, Tq. Chandur-Rly, District 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.B.Gandhe, advocate for the Applicant.

Ms S.S. Jachak, APP for the Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 13/04/2022.

1. Heard Shri S.B.Gandhe, learned counsel for the applicant and Ms S.S.Jachak, learned APP for the Non-applicant/State.

2. This is an application filed under Section 389 (2) of the Code of Criminal Procedure for suspension of sentence and for grant of bail.

3. The learned Additional Sessions Judge, Amravati, vide its judgment and order dated 17/02/2022, passed in Sessions Case No. 110/2019, convicted the applicant for the offence punishable under Section 294 of the Indian Penal Code and sentenced to suffer simple imprisonment for three days and to pay fine of Rs. 2500/-, in default, to suffer simple

imprisonment for one day. He is further convicted for the offence punishable under Section 353 of the Indian Penal Code and is directed to suffer simple imprisonment for seven days and to pay fine of Rs. 5000/-, in default, to suffer simple imprisonment for two days. He is also convicted for the offence punishable under Section 506 of the Indian Penal Code and directed to suffer simple imprisonment for three days and to pay fine of Rs. 2500/-, in default, to suffer simple imprisonment for one day.

4. I have perused judgment and order, impugned in this appeal.

5. Learned counsel for the applicant submits that he has very good case on merit and there is every likelihood that he would succeed in the present appeal.

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

7. 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. 110/2019, vide judgment dated 17/02/2022, 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.

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

Criminal Appeal No. 225/2022

Heard.

Admit.

Ms S.S.Jachak, learned APP waives service of notice for respondent/State.

[JUDGE]