

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

CRIMINAL APPLICATION (APPA) NO.311 OF 2022
IN
CRIMINAL APPEAL NO.246 OF 2022

AARIF KHAN HATAM KHAN
VS
STATE OF MAH. THR. PSO PS NAGPURI GATE AMRAVATI TQ. AND
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 T.U. Tathod, Advocate for the appellant/applicant
Shri T.A. Mirza, APP for the State/Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 22nd April, 2022.

Heard.

2. **Admit.**

3. Shri Mirza, learned APP waives service of
notice on behalf of respondent/State.

4. Call for the record and proceedings.

Criminal Application (APPA) No.311 of 2022

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

6. The applicant has filed appeal against conviction challenging the judgment and order dated 03.03.2022 passed by the learned Additional Sessions Judge, Amravati in Sessions Case No.176 of 2016, convicting the applicant for the offence punishable under Section 307 of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.7,000/-, in default to suffer further simple imprisonment for one month.

12. I have perused the findings recorded by the learned Additional Sessions Judge, Amravati in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge, Amravati in Sessions Case

No.176 of 2016 vide judgment and order dated 03.03.2022, is suspended till disposal of the appeal.

iii. The appellant shall be released on bail on his executing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount.

iv. The appellant shall attend the concerned police station as and when his presence is required.

[JUDGE]