

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

CRIMINAL APPEAL NO.270 OF 2022

SACHIN NATTHUJI GAWAI

VS

STATE OF MAH. THR. PSO PS CHANDUR BAZAR TQ.CHANDUR BAZAR 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.B. Gandhe, Advocate for the appellant/applicant

Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 28th April, 2022.

Heard.

2. **Admit.**

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

4. Call for the record and proceedings.

Criminal Application No.331 of 2022

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

6. The applicant has filed appeal against conviction challenging the judgment and order dated 23.02.2022 passed by the learned Additional Sessions

Judge, Achalpur in Sessions Case No.106 of 2019, convicting the applicant for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.5,000/-, in default to suffer further simple imprisonment for one month.

7. The applicant was further convicted for the offence punishable under Section 332 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.5,000/-, in default to suffer further simple imprisonment for one month.

8. I have perused the findings recorded by the learned Sessions Court 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, Achalpur in Sessions Case

No.106 of 2019 vide judgment and order dated 23.02.2022, is suspended till disposal of the appeal.

iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]