

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

CRIMINAL APPEAL NO.282 OF 2022

Tirandas Shriram Khodke

Versus

State of Maharashtra, through P.S.O., P.S. Borgaon Manji, Dist. Akola

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

Court's or Judge's Order

Shri V.N. Morande, Adv. with Ram Karode, Adv. for the applicant.
Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 02/05/2022

1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. Shri Sirpurkar, learned APP waives service of notice for the respondent/State.

CRIMINAL APPLICATION (APPA) NO.339 OF 2022

5. This is an application for suspension of sentence and grant of bail.
6. The appellant is convicted under Section 307 of the Indian Penal Code and sentenced to undergo Rigorous Imprisonment of six years and to pay a fine of Rs.1,000/-, in default of payment of fine, the appellant shall undergo further Rigorous Imprisonment for six months.

7. Shri Morande, learned counsel for the applicant submits that the order convicting the applicant is perverse and therefore, he submits that there is every likelihood that he would succeed in the present matter. He further submits that the applicant was on bail during trial.

8. Shri S.D. Sirpurkar, learned APP opposes the present application.

9. Having gone through the judgment and order impugned, I am of the opinion that reappreciation 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:

- a) The criminal application is **allowed**.
- b) The substantive sentence imposed by the learned Additional Sessions Judge, Akola in S.T. No.56 of 2018 vide judgment and order dated 13.04.2022, is suspended till disposal of the appeal. Bail as in the trial Court with fresh bond.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]