

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

CRIMINAL APPEAL NO.288 OF 2022

(GANESH SANTOSH GIRI....VS.. STATE OF MAH. THR. PSO WALGAON, DIST. AMRAVATI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri T.U. Tathod, Advocate for the Appellant/Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MAY 04, 2022.

1. Heard.
2. **ADMIT.**
3. Shri V.A.Thakre, learned APP waives service on behalf of respondent/State.
4. Call for the record and proceedings.

CRI.APPLN.NO. 347/2022.

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

6. The applicant has filed appeal against conviction challenging the judgment and order dated 21st March, 2022 passed by Additional Sessions Judge, Amravati in S.T. No.14 of 2019, convicting the applicant for the offences punishable under Sections 353, 332, 294, 504 and 506 of Indian Penal

Code. The applicant was sentenced to suffer simple imprisonment for three months and to pay fine of Rs.200/-, in default to suffer further simple imprisonment for one week for each of the sections.

7. The learned counsel for the applicant submits that the trial Court has suspended the sentence on 21/03/2022. He also submits that the applicant was on bail during the trial.

8. 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 substantive sentence imposed by the learned Additional Sessions Judge, Amravati in Sessions Trial No.14 of 2019 vide judgment and order dated 21/03/2022, is suspended till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.