

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

Criminal Appeal No. 290 of 2022

Prashant Vasantrao Dange and nine others

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Pulgaon, Dist. Wardha

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

Court's or Judge's Order

Shri S.V.Tadas, Advocate for the appellants/applicants.

Shri S.D.Sirpurkar, APP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 4th MAY, 2022.

Heard.

2. **Admit.**

3. Shri Sirpurkar, learned Additional Public
Prosecutor waives service of notice on behalf of the
respondent/State.

4. Call for record and proceedings.

Criminal Application No. 348 of 2022

This is an application filed under Section
389 of Code of Criminal Procedure for suspension of

sentence and grant of bail. The applicants have filed appeal against conviction challenging the judgment and order dated 12th April, 2022 passed by the learned Additional Sessions Judge, Wardha in Atrocity Special Case no. 18 of 2013, convicting the appellants for the offence punishable under Section 452 read with Section 34 of Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.10,000/- each, in default accused to undergo simple imprisonment for three months. The appellants were further convicted for the offence punishable under Section 143 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.1,000/- each, in default to suffer rigorous imprisonment for 15 days. The appellants were further convicted for the offence punishable under Section 147 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.5,000/- each, in default to suffer rigorous imprisonment for one month. The appellants were further convicted for the offence punishable under Section 504 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.5,000/- each, in default to suffer rigorous imprisonment for one month. The appellant nos. 1, 2,

4, 5, 8 and 9 were convicted for the offence punishable under Section 3(1)(xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.7,000/- each, in default of to suffer rigorous imprisonment for two months.

2. Shri Tadas, learned counsel for the applicants/appellants submits that the applicants were on bail during the trial. He further submits that the name of the applicants were subsequently added as accused. He further states that no role is attributed to the applicants and inspite of the said fact they have been convicted. He further submits that applicants are having a very good case and there is every likelihood that they would succeed in the present appeal.

3. On the other hand Shri Thakare, learned Additional Public Prosecutor opposes the present application.

4. I have perused the findings recorded by the learned Sessions Judge in the impugned judgment and order and thereupon, I am of the opinion that appellants are having arguable case and re-appreciation 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.

ORDER

- i. Criminal application is allowed.
- ii. The sentence imposed by the learned Additional Sessions Judge, Wardha in Atrocity Special Case No. 18 of 2013 vide judgment and order dated 12th April, 2022, is suspended till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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