

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

Criminal Appeal No. 306 of 2022

Pradip Gopalrao Bhusari

Versus

State of Maharashtra, through Police Station Officer, Police Station
Warud, Tq. Warud, District 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.

Mrs. S.S.Jachak, APP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 6th MAY, 2022.

Heard.

2. **Admit.**

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

4. Call for record and proceedings.

Criminal Application (APPA) No. 372 of 2022

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

sentence and grant of bail. The applicant has filed appeal against conviction challenging the judgment and order dated 28th April, 2022 passed by the learned Additional Sessions Judge, Amravati in Session Trial No. 3 of 2019, convicting the applicant for the offence punishable under Section 353 of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.500/-, in default to further suffer simple imprisonment for one month. Appellant was further convicted for the offence punishable under Section 332 of Indian Penal Code and sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.500/- in default of payment of fine accused to suffer further one month simple imprisonment. Appellant was further convicted for the offence punishable under Section 294 of Indian Penal Code and sentenced to suffer simple imprisonment for three months and to pay a fine of Rs.500/- in default to suffer one week simple imprisonment.

2. Shri Gandhe, learned counsel for the applicant submits that he was on bail during the trial. He further submits that he is having a very good case on merit and there is every likelihood that he would succeed in the present appeal.

3. On the other hand Mrs. Jachak, 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 appellant is 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. There is one more reason to allow this application is that appellant was on bail during the trial. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. The sentence imposed by the learned Additional Sessions Judge, Amravati in Session Trial No. 3 of 2019 vide judgment and order dated 28th April, 2022, is suspended till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

[ANIL S. KILOR, J.]

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