

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

Criminal Appeal No. 304 of 2022

Laxmikant Rameshsingh More and others

Versus

The State of Maharashtra, through Police Station Officer, Talegaon
Dashasar, District Amravati, Tq. Dhamangaon Railway, District Amravati

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

Court's or Judge's Order

Ms.Shreya Bhagat Advocate h/f Shri P.R.Agrawal,
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. Smt. 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. 370 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 7th April, 2022 passed by the learned Additional Sessions Judge, Amravati in Session Trial No. 171 of 2019, convicting the applicants for the offence punishable under Section 332 of Indian Penal Code read with Section 34 of Indian Penal Code and sentenced to suffer simple imprisonment for 10 days each and to pay fine of Rs.5000/- each, in default to suffer further simple imprisonment for three days each. Applicants were further convicted for the offence punishable under Section 189 read with Section 34 of Indian Penal Code and sentenced to suffer simple imprisonment for five days each and to pay a fine of Rs.3000/- each in default to suffer simple imprisonment for one day each. Applicants were further convicted for the offence punishable under Section 294 of Indian Penal Code and sentenced to suffer rigorous imprisonment for five days and to pay a fine of Rs.3000/- each in default to suffer simple imprisonment for one day.

2. Ms. Bhagat, learned counsel for the applicant submits that they were on bail during the trial. She further submits that they are having a very good case on merit and there is every likelihood that they would succeed in the present appeal.

3. On the other hand Shri Ashirgade, 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. There is one more reason to allow this application is that appellants were 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 Case No. 171 of 2019 vide judgment and order dated 7th 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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