

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

CRIMINAL APPEAL NO. 456 OF 2022

Shashi Pritesh Trivedi .Vs. State of Maharashtra, through P.S.O., Pachpaoli, P.S. Nagpur.

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

Court's or Judge's Order

Mr R.G. Somkuwar, Advocate for the appellant.
Ms Shamshi Haider, A.P.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : 08/12/2022

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

CRIMINAL APPLICATION (APPA) NO. 574/2022

5. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail.
6. The applicant is convicted for the offence punishable under Sections 353 of the Indian Penal Code, 1860 and is sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.5,000/- (Rupees Five Thousand) and in default to suffer rigorous imprisonment for six months.

The applicant further convicted for the offence punishable under Section 323 of the Indian Penal Code, 1860 and is sentenced to suffer rigorous imprisonment for six months and pay a fine of Rs.1,000/- (Rupees One Thousand) and in default to suffer rigorous imprisonment for one month.

7. I have perused the findings recorded by the learned Additional Sessions Judge, Nagpur, District Nagpur 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. There is one more ground is that the applicant was on bail during the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge, Nagpur, District Nagpur in Session Case No. 14/2020 vide judgment and order dated 29/03/2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

JUDGE