

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

CRIMINAL APPEAL NO.495/2022

Gulabrao S/o. Ramrao Gawande Vs. State of Maharashtra

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

Court's or Judge's order

.....
Mr. H. M. Mohta, Advocate for the Appellant.
Mr. M. A. Kadu, A.P.P. for Respondent(s)/State.

CORAM : AMIT B. BORKAR, J.

DATED : 2nd AUGUST, 2022.

. Heard.

2. **Admit.**

3. Mr. M. A. Kadu, learned A.P.P. waives notice for the Respondent/State.

CRIMINAL APPLICATION (APPA) NO.634/2022

. This is an application under Section 389 of the Code of Criminal Procedure seeking suspension of sentence imposed in Sessions Trial No.169/2019.

2. The applicant has been convicted for the offence under Sections 294 and 353 of the Indian Penal Code. The applicant has been sentenced to suffer simple imprisonment for a period of two months and to pay a fine of Rs.2000/- and in default of which he shall undergo simple imprisonment for a further period of 15 days for the offence punishable under Section 294 of the Indian Penal Code and sentenced to suffer simple imprisonment for a period of two years and to pay a fine of Rs.5000/- in default of which he

shall undergo simple imprisonment for a further period of one month for the offence punishable under Section 353 of the Indian Penal Code.

3. The learned Advocate for applicant states that applicant was on bail during the trial. Since the appeal is admitted, it is unlikely that within a period of two years it will be heard. Therefore, applicant is deserves to be released on bail on the same terms and conditions as were imposed by the Trial Court while suspending the sentence.

4. I, therefore, pass the following order :

- i] The application under Section 389 of the Code of Criminal Procedure is allowed.
- ii] The substantive sentence imposed on applicant is hereby suspended.
- iii] Applicant shall be released on bail on the same terms and conditions as were imposed by the Sessions Court while suspending the sentence.
- iv] Applicant shall furnish fresh bonds.
- v] Applicant shall report the Sessions Judge, Akola once in a year in the first week of January of each year.

5. The application stands disposed of.

JUDGE