

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

CRIMINAL APPLICATION (APPA) NO. 671 OF 2022
IN
CRIMINAL APPEAL NO. 521 OF 2022

Purushottam Dayaram Gadage and ors.

...VERSUS...

The State of Maharashtra thr. P.S.O., P.S. Ural, Tq. Balapur, Distt. Akola

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

Court's or Judge's order

Shri S.V.Sirpurkar, Advocate for appellants/applicants.
Shri I.J.Damle, APP for respondent/State.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 14th September, 2022.

Heard learned counsel for both the parties.

2. The present application is filed for suspension of sentence and releasing the appellant nos. 1 to 5 on bail during the pendency of appeal.

3. The appellant nos. 1 to 5 in the present appeal is challenging the judgment of conviction dated 30/07/2022 passed by learned Additional Sessions Judge, Akola in Session Trial No. 190 of 2015. The applicants were convicted for having committed an offence under Sections 147, 148, 307, 504, 506, 450, r/w. Section 149 of Indian Penal Code.

4. The learned counsel for the appellants pointed out that there is no case established by the prosecution for the offences of which the applicants were charged with. The injuries mentioned in the

deposition of the witnesses are not supported by the medical evidence. The appellants were on bail during the pendency of trial. There is no instance of any abuse of liberty granted during the appeal period.

5. In view of above submissions, the execution of substantive sentence is hereby suspended, subject to deposit of fine amount within two weeks. The bail granted by the learned Trial Court to continue during the pendency of appeal on furnishing fresh or same surety to the satisfaction of the Trial Court.

6. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar