

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

CRIMINAL APPEAL NO. 558 OF 2022

Avinash Ankush Nakshine.Vs. State of Maharashtra

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

Shri Tarun Parmar, Advocate for the appellant
Shri A. M. Kadukar, APP for the State

CORAM : G.A. SANAP J.

DATE : SEPTEMBER 06, 2022.

Heard.

2. **ADMIT.**
3. Issue notice to the respondent.
4. Learned APP waives service of notice on behalf of respondent/State.

CRIMINAL APPLICATION NO. 717 OF 2022

5. Issue notice to the respondent.
6. Learned APP waives service of notice on behalf of respondent/State.
7. With the consent of the parties, heard finally.
8. This application has been made for suspension of sentence. The appellant has been convicted under Section

324 and 452 of the Indian Penal Code. He is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.5000/- and in default to suffer simple imprisonment for three months, on each counts. The substantive sentences are directed to run concurrently.

9. The learned Advocate for the appellant submits that considering the quantum of the term sentences, the learned Trial Judge was pleased to suspend the substantive sentences. The learned Advocate submits that the appellant has good case on merit. The learned Advocate submitted that the appellant has deposited the fine amount. It is submitted that final disposal of the appeal may take some time. It is, therefore, submitted that pending the appeal, the substantive sentence may be suspended.

10. The learned APP submits that the substantive sentence can't be suspended merely because of the fact that the same was suspended by the learned trial Judge.

11. In my opinion, considering the quantum of substantive sentence it would be just and proper to suspend the substantive sentences. There is no grievance on behalf of the respondent that during the pendency of the trial, the appellant, who was on bail, had misused the liberty in any manner.

12. In the facts and circumstances, the application is allowed. The substantive sentences awarded on both counts shall remain suspended during the pendency of the appeal. The appellant shall furnish PR bond in the sum of Rs.25,000/- and one surety in the like amount before the Trial Court.

13. The criminal application stands **disposed of**, accordingly.

JUDGE

Namrata