

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

Criminal Application No. 742 of 2022

in

Criminal Appeal No. 574 of 2022

Pravin Kartik Khaire and others

Versus

**State of Maharashtra, through Police Station Officer,
Police Station Majari, Tah. Warora, Dist. Chandrapur**

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

Court's or Judge's Order

Shri S.G. Joshi, Advocate for the applicant.

Shri S.M.Ghodeshwar, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 4th OCTOBER, 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 24th August, 2022 passed by the learned Additional Sessions Judge, Warora in Sessions Case No. 32 of 2014, convicting the appellants for the offence punishable under Section 498-A of Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/- each, in default of payment of fine accused to undergo simple

imprisonment for six months. They are further convicted for the offence punishable under Section 306 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and to pay a fine of Rs.5000/- each in default to suffer further rigorous imprisonment for six months. They are further convicted for the offence punishable under Section 304-B of Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.5000/- each in default to suffer further rigorous imprisonment for six months.

2. Shri Joshi, learned counsel for the applicants submits during the trial they are on bail till the conviction in August, 2022. He 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 Ghodeshwar, 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, Warora, Dist. Chandrapur in Session Case No. 32 of 2014 vide judgment and order dated 24th August, 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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