

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

CRIMINAL APPLICATION (APPR) NO.298 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.216 OF 2022

Pramod S/o Rameshwar Khedkar .Vs. State of Maharashtra, through P.S.O., P.S.
Mana, Tal. Murtizapur, Dist. Akola

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

Court's or Judge's Order

Shri Kadam, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 10/10/2022

1. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail. The applicant has filed appeal by challenging the judgment and order dated 25.04.2017 passed by the learned Judicial Magistrate First Class, Murtizapur in Reg.Cri. Case No.58.2014, convicting the applicant for the offence punishable under Section 452 of Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default of payment of fine accused shall have to undergo simple imprisonment for fifteen days.

2. The applicant was further convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years

and to pay fine of Rs.5,000/-, in default of payment of fine accused shall have to undergo simple imprisonment for fifteen days.

3. 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 applicant is 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 applicant was on bail during the trial. Accordingly, I pass the following order;

- i. The criminal application is **allowed**.
- ii. The *ad-interim* suspension order dated 07.09.2022, is hereby confirmed, till disposal of the appeal.
- iii. Bail as in the trial with fresh bonds.

JUDGE