

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

CRIMINAL APPLICATION (APPA) NO.2/2022

Pravin Babanrao Yawle and Anr. Vs. State of Maharashtra

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

Court's or Judge's order

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Mr. P. W. Mira, Advocate for the Applicants.
Ms. H. Jaipurkar, A.P.P. for Respondent(s)/State.

CORAM : AMIT B. BORKAR, J.

DATED : 2nd AUGUST, 2022.

. This is an application under Section 389 of the Code of Criminal Procedure seeking suspension of sentence imposed by the learned Sessions Judge, Achalpur in Sessions Trial No.127/2013 convicting the applicant No.2, who is father-in-law of deceased for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of 3 years and to pay fine of Rs.5,000/- and in default of payment of fine to suffer rigorous imprisonment for one month and also convicted under Section 304-B read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of 10 years and to pay fine of Rs.10,000/- and in default of payment of fine to suffer rigorous imprisonment for 3 months.

2. The learned Advocate for the applicants states that there is no credible evidence to warrant conviction of the applicant No.2. He submits that during the pendency of the Trial, the applicant No.2 was on bail. He submits that

during the pendency of the trial, the applicant No.2 had not misused the liberty granted to him. He submits that the applicant No.2 - father-in-law is now about 70 years old.

3. Considering the submissions made above and considering the fact that the applicant No.2 is about 70 years old, was on bail during the trial and had not misused the liberty granted to him, the applicant No.2 has made out a case for suspension of sentence imposed by the impugned judgment.

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 the applicant No.2 – Babanrao Govindrao Yawle is hereby suspended.
- iii] Applicant No.2 shall be released on bail on he executing P R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- iv] Applicant No.2 shall furnish the bail before the Sessions Court, Achalpur.
- v] Applicant No.2 shall report the Sessions Court, Achalpur once in a year in the first week of January of each year.

vi] At the time of furnishing of bail bond, applicant No.2 shall submit his cell phone number and details.

5. The application stands disposed of.

JUDGE

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