

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

CRIMINAL APEAL NO.787 OF 2022

Baburao Shankar Wakode .Vs. State of Maharashtra, through P.S.O., P.S. Jalgaon
Jamod, Tah. Jalgaon Jamod, Dist. Buldhana

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

Court's or Judge's Order

Shri R.D. Karode, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/11/2022

1. Heard.
2. **Admit.**
3. Call record and proceedings.
4. Ms Shamsi Haider, learned APP waives service of notice to the non-applicant/State.
5. Learned counsel for the appellant shall remove office objections.

CRIMINAL APPLICATION(APPA) NO.1004 OF 2022

6. This is an application for suspension of sentence.
7. The applicant was convicted under Section 235(2) of the Code of Criminal Procedure for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for four months. The applicant was further convicted for the offence

punishable under Section 283 of the Indian Penal Code and sentenced to pay fine of Rs.200/-, in default of payment of fine, he further suffer simple imprisonment for eight days. The applicant was further convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to pay fine of Rs.500/-, in default of payment of fine, he further suffer simple imprisonment for one month.

8. The learned trial Court vide order dated 20.10.2022, suspended the sentence till the appeal period is over.

9. In that view of the matter and after going through the impugned judgment, I am of the opinion that it is necessary to re-look the matter afresh.

10. The application is **allowed** and sentence imposed by the learned Additional Sessions Judge, Khamgaon in Sessions Case No.171 of 2019 vide judgment dated 20.10.2022, is suspended till disposal of the appeal and applicant shall be released on bail on his executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

The application is **disposed of**, accordingly.

JUDGE