

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

**CRIMINAL APPEAL NO.801 OF 2022**

ABDUL JABBAR S/O ABDUL SATTAR  
VS  
STATE OF MAH. THR. PSO PS NANDURA TQ.NANDURA DIST.BULDHANA

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

Court's or Judge's Order

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Shri A.J. Thakkar, Advocate for applicant  
Ms Shamshi Haider, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.**

**DATED : 30.11.2022.**

Heard.

2. **Admit.**

3. The learned APP waives service of notice on behalf of respondent/State.

4. Call for the record and proceedings.

**Criminal Application No.1030 of 2022**

5. This is an application filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of bail.

6. The applicant was convicted for the offence under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.1,000/-, in default to pay fine, further to suffer rigorous imprisonment for seven days.

7. The applicant was further convicted for the offence under Section 177 read with Sections 128 of the Motor Vehicles Act and sentenced to pay fine of Rs.100/-, in default to pay fine, further to suffer simple imprisonment for one day.

8. The applicant was further convicted for the offence under Section 177 read with Sections 158 of the Motor Vehicles Act and sentenced to pay fine of Rs.100/-, in default to pay fine, further to suffer simple imprisonment for one day.

9. The applicant was further convicted for the offence under Section 177 read with Sections 130 of the Motor Vehicles Act and sentenced to pay fine of Rs.100/-, in default to pay fine, further to suffer simple imprisonment for one day.

10. I have perused the findings recorded by the learned Additional Sessions Judge, Malkapur in the impugned judgment and order and thereupon, I am of

the opinion that applicant is having arguable case and re-appreciation and reappraisal 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 ground is that the applicant was on bail during the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge, Malkapur in Sessions Case No.13 of 2019 vide judgment and order dated 03.11.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

**[JUDGE]**