

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

CRIMINAL APPEAL NO. 820 OF 2022

Baban Dashrat Zine .Vs. State of Maharashtra, through PSO P.S. Buldhana City, 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.R.Vyas, Advocate for the appellant.

Shri N.R.Rode, A.P.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/11/2022

1. Heard.
2. **Admit**
3. Call for record and proceedings.
4. Shri N.R.Rode, learned APP waives service of notice for the respondent/State.

CRIMINAL APPLICATION (APPA) NO. 1060/2022

5. This is an application for suspension of sentence and for grant of bail.
6. The appellant/applicant is convicted for the offence punishable under Section 353 of the Indian Penal Code, 1860; and sentenced to undergo rigorous imprisonment of two months and to pay a fine of Rs.100/- (Rs. One hundred), in-default to undergo imprisonment of 15 days.

The appellant/applicant is further convicted for the offence punishable under Section 332 of the Indian Penal Code, 1860; and sentenced to undergo rigorous imprisonment of two months and to pay a fine of Rs. 100/- (Rs. One hundred), in-default to undergo simple imprisonment of 15 days.

The appellant/applicant is further convicted for the offence punishable under Section 186 of the Indian Penal Code, 1860; and sentenced to undergo rigorous imprisonment of two months and to pay a fine of Rs. 100/- (Rs. One hundred), in-default to undergo simple imprisonment of 15 days.

The appellant/applicant is further convicted for the offence punishable under Section 504 of the Indian Penal Code, 1860; and sentenced to undergo rigorous imprisonment of two months and to pay a fine of Rs. 100/- (Rs. One hundred), in-default to undergo simple imprisonment of 15 days.

The appellant/applicant is further convicted for the offence punishable under Section 506 of the Indian Penal Code, 1860; and sentenced to undergo rigorous imprisonment of two months and to pay a fine of Rs. 100/- (Rs. One hundred), in-default to undergo simple imprisonment of 15 days. The above said fine amounts were reported to be deposited by the appellant.

7. After going through the judgment, I am of the opinion that it is necessary to re-look the matter afresh. It is also submitted that the appellant/applicant was on bail during pendency of the trial.

8. In that view of the matter, I pass the following order:

- i) The Criminal Application is **allowed**.
- ii) The sentence imposed on the appellant/applicant by impugned judgment and order dated 09/11/2022 is suspended.
- iii) The appellant/applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iv) Bail before the lower Court.

The Criminal Application is **disposed of** accordingly.

JUDGE