

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

CRIMINAL APPEAL NO. 846 OF 2022

Gajanan Vasantrao Gulhane and another .Vs. State of Maharashtra, thr. P.S.O. Morshi Police Station, Tq. Morshi, District-Amravati.

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

Court's or Judge's Order

Shri J.Y.Ghurde, Advocate for the appellants.

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

CORAM : ANIL S. KILOR, J.
DATED : 06/12/2022

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. 1100/2022

5. This is an application for suspension of sentence and for grant of bail.
6. The appellants/applicants are convicted for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860; and they have sentenced to undergo rigorous imprisonment for five years each, and to pay fine of Rs. 3000/- (Rs. Three Thousand) each. In default, they have to undergo simple imprisonment for three months each.

The appellants/applicants are further convicted for the offence punishable under Section 498-A read with

Section 34 of the Indian Penal Code, 1860 and they have sentenced to undergo rigorous imprisonment for three years each, and to pay fine of Rs. 2,000/- (Two Thousand) each. In default, they have to undergo simple imprisonment for two months each. The above said fine amounts were reported to be deposited by the applicants/appellants.

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 appellants/applicants were 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 appellants/applicants by impugned judgment and order dated 28/11/2022 is suspended.
- iii) The appellants/applicants shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- each with one solvent surety in the like amount for each of the applicant.
- iv) Bail before the lower Court.

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

JUDGE