

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

CRIMINAL APPEAL NO.878 OF 2022

Sumanbai W/o Bhimrao Narote and others .Vs. State of Maharashtra, through P.S.O.,
P.S. Dhad, Tq. & Dist. Buldhana and another

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

Court's or Judge's Order

Shri A.A. Mardikar, Advocate for the applicants.

Ms Shamsi Haider, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 16/12/2022

1. Heard.
2. **Admit.**
3. The learned APP waives service of notice on behalf of the respondent No.1/State.
4. Call record and proceedings.

CRIMINAL APPLICATION (APPA) NO.1139 OF 2022

5. This is an application for suspension of sentence and grant of bail.
6. The applicant No.1/Sumanbai and applicant No.3/Amol were convicted for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.250/- each, in default to undergo rigorous imprisonment for one month.
7. The applicant No.1/Sumanbai and applicant No.3/Amol were further convicted for the offence

punishable under Section 323 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.250/- each, in default to undergo rigorous imprisonment for one month.

8. The applicant No.1/Sumanbai and applicant No.2/Bhimrao and applicant No.3/Amol were convicted for the offence punishable under Section 504 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.250/- each, in default to undergo rigorous imprisonment for one month.

9. The applicant No.1, applicant No.2 and applicant No.3 were convicted for the offence punishable under Section 506 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.250/- each, in default to undergo rigorous imprisonment for one month.

10. The applicant No.1, applicant No.2 and applicant No.3 were convicted for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.250/- each, in default to undergo rigorous imprisonment for one month.

11. The applicant No.3 was convicted for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and

to pay fine of Rs.250/- in default to undergo rigorous imprisonment for one month.

12. I have perused the findings recorded by the learned Sessions Judge, Buldhana in the impugned judgment and order and thereupon, I am of the opinion that applicants are 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 applicants are on bail during the trial. Accordingly, I pass the following order:

- i. The criminal application is **allowed**.
- ii. The sentence imposed by the learned Sessions Judge, Buldhana in Sessions Case No.43 of 2021 vide judgment and order dated 23.11.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

JUDGE