

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

CRIMINAL APPEAL NO.881 OF 2022

Vishwanath Dnyanba Wankhede and another .Vs. State of Maharashtra, through
P.S.O., P.S. Lonar, 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 Ram Karode, Adv. a/w Shri V.N. Morande, Adv. for the applicants.
Shri V.A. Thakare, A.P.P. for the respondent/State.
Shri A.J. Gargey, Assist to prosecution.

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/State.
4. Call record and proceedings.

CRIMINAL APPLICATION (APPA) NO.1142 OF 2022

5. This is an application for suspension of sentence and grant of bail.
6. The applicant No.1/Vishwanath and applicant No.2/Pratap were convicted for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-/- each, in default to undergo simple imprisonment for one month.

7. I have perused the findings recorded by the learned trial Court 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 Additional Sessions Judge, Mehkar, Dist. Buldhana in Sessions Case No.19 of 2019 vide judgment and order dated 19.11.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

JUDGE