

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 126 OF 2023
IN
CRIMINAL APPEAL NO. 19 OF 2023**

Prashant Baburao Phulari .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Anant R. Devakate, Advocate for the Applicant.

Mr. P. N. Kutti, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 12th JANUARY, 2023.

P. C. :-

. The applicant has filed an appeal before this Court.

2. Heard learned advocate for the applicant. Learned advocate for the applicant submits that the maximum punishment awarded for the offence punishable under Section 354 of the Indian Penal Code (for short "I.P.C.") is to suffer rigorous imprisonment for two (02) years and to pay fine of Rs. 5,000/- (Rs. Five Thousand only) and in default to suffer rigorous imprisonment for one (01) month. The similar punishment is given for the offence punishable under Section 506 of the I.P.C. and Section 3 (1) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. He submits that, during the trial

the accused was on bail. There was no complaint of misuse of liberty. The sentence is only of two (02) years. He has already paid the fine amount on the date of judgment. The learned Trial Court has suspended the sentence for appeal period.

3. Considering the fact that, it is a short sentence and the applicant is already released on bail, this Court feels it proper to allow the application.

4. The substantive sentence as awarded by the learned Additional Sessions Judge, Kandhar, District Nanded by judgment and order dated 20.12.2022 passed in Special (Atrocity) Case No. 04/2011 is suspended on executing P.R. bond and solvent surety in the sum of Rs. 15,000/- (Rs. Fifteen Thousand only) till the appeal is over. The applicant shall keep the concerned police station informed about his address, mobile number and other contact details. He shall also report if there is any change in the said details and he should not commit any similar type of offence.

5. The criminal application stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.