

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

926 CRIMINAL APPLICATION NO.209 OF 2023

**BHAGWATSINGH JOGSINGH RAJPUT @ BHAGU
VERSUS
THE STATE OF MAHARASHTRA**

Mr.H.F. Pawar, Advocate for the applicant.

Mr.P.M. Kulkarni, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 02.02.2023**

PC :-

01. Heard learned Advocate for the applicant and learned APP for the respondent/State. This Criminal Application is filed seeking bail in connection with pending appeal of the applicant before the learned Sessions Court at Nandurbar. The applicant is found guilty of the offences punishable under sections 394 r/w 120-B and 34, 380 r/w 34 of the Indian Penal Code. He is directed to undergo rigorous imprisonment of seven years and five years respectively and to pay fine of Rs.2,84,750/- and Rs.2,00,000/- and in default of payment of fine to undergo additional rigorous imprisonment of 21 and 15 months respectively. The applicant along with others have preferred appeal bearing Criminal Appeal No.8 of 2021 in the Court of learned Sessions Judge, Nandurbar. The applicant had preferred application for suspension of

sentence and release on bail. The learned Sessions Judge, Nandurbar by order dated 14.10.2022 was pleased to reject the said application below Exh.6 by expediting the appeal. The learned Sessions Judge further directed the parties to extend cooperation for deciding the main appeal within a period of three months by order dated 14.10.2022. The applicant is, therefore, before this Court.

02. It is the main submission of the applicant that though the appeal is filed in 2021, still same is not yet heard finally. He submits that sentence is only of seven years. The applicant is in jail since 05.11.2020, thus, it is more than two years and two months. He further submits that since the appeal is not taken up for hearing he is approaching this Court seeking suspension of sentence.

03. This Court finds that the learned Sessions Judge has passed order rejecting application Exh.6, by expediting appeal. For some reasons, it appears that the matter is not yet taken up for final hearing. It would be in the interest of justice, if the learned Sessions Judge is requested to dispose off the Criminal Appeal No. 8 of 2021 within a period of two months from today. The

parties shall co-operate for final disposal of the appeal within a period of two months from today. If the appeal could not be heard finally within two months, the applicant is at liberty again to move the Sessions Court for bail.

04. The application is accordingly disposed off.

[KISHORE C. SANT, J.]