

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL APPEAL NO.41 OF 2023
WITH APPLN/255/2023 IN APEAL/41/2023

LAHU AMBADAS KIRKAT
VERSUS
THE STATE OF MAHARASHTRA

Mr.B.N. Magar, Advocate for the appellant.
Mr.Y.G. Gujarati, APP for the respondent/State.

CORAM : KISHORE C. SANT, J.
DATED : 20.01.2023

PC :-

01. Heard.
02. Admit.
03. Learned APP waives service of notice on admission.
04. Call for record and proceedings.
05. Insofar as Criminal Application No. 255 of 2023 is concerned, it is submitted that the applicant has filed appeal challenging the judgment and order dated 22.12.2022 passed by learned Sessions Judge, Beed in Sessions Case No.7 of 2022. The applicant is held guilty of the offences punishable under sections 353, 379 and 279 of the Indian Penal Code. For the offence punishable under section 353 of the IPC, he is directed to undergo rigorous

imprisonment for six months and to pay fine of Rs.500/-, in default, to suffer further rigorous imprisonment for fifteen days. Same sentence is imposed for offence under section 379 of the IPC. For offence punishable under section 279 of the IPC, he is directed to suffer rigorous imprisonment for three months. The sentences are to run concurrently.

06. Learned Advocate for the appellant submits that the sentence is a short sentence of six months. He has already paid fine amount on the date of judgment. During the trial, he was on bail and there is no complaint of misuse of the liberty. He further submits that the learned Trial Judge on the date of judgment itself was pleased to suspend the sentence till appeal period of the applicant. Hence, he prays for suspension of sentence pending the appeal.

07. Hence, the following order :-

- i) The sentence imposed by the learned Sessions Judge by judgment and order dated 22.12.2022 in Sessions Case No. 7 of 2022 is hereby suspended, on same bail and fresh bond.
- ii) The applicant shall furnish his residential address and mobile number and other contact details to the concerned police station. In-case of change in the contact details, he shall intimate the same to the concerned police station immediately.
- iii) Criminal Application is accordingly disposed off.

[KISHORE C. SANT, J.]