

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

**CRIMINAL APPLICATION NO. 405 OF 2023
IN APEAL/80/2023**

**RADHESHAM SHAMRAO JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr.V.P. Savant, Advocate for the applicants.
Mr.P.M. Kulkarni, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 08.02.2023**

PC :-

01. Heard. Issue notice to the respondent. Learned APP waives service of notice for the respondent/State.

02. By way of this application, the applicants are paying for suspension of sentence imposed by the learned Sessions Judge, Beed by order dated 04.01.2022, whereby the accused applicants are held guilty for the offences punishable under section 353 and 379 r/w 34 of the Indian Penal Code, section 21(4) of the Mines and Minerals Act and under section 39(1)/192 of the Motor Vehicles Act. The maximum sentence of rigorous imprisonment is awarded for the offences punishable under sections 353 and 379 is six months. For the remaining offences, the sentence awarded is only in terms of fine. The sentence is suspended on the same day till appeal period. The fine amount is already paid. The learned Advocate for the applicants therefore submits that the applicants were on bail during the trial and there is

no complaint of misuse of liberty. They have already deposited fine amount and prays for suspension of sentence pending the appeal.

03. Looking to the averments and in view of the above facts, following order is passed :-

ORDER

- i) The Criminal Application is allowed.
- ii) The substantive sentence of the applicants imposed by the learned Sessions Judge, Beed in Sessions Case No.82 of 2021 vide order 04.01.2023 is suspended.
- iii) The applicants be released on bail on furnishing PR bond of Rs.15,000/- (Rupees Fifteen Thousand) with one solvent surety in the like amount each.
- iv) The applicants shall keep the police informed about their addresses and mobile numbers and other contact details.

[KISHORE C. SANT, J.]