

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

**17 CRIMINAL APPLICATION NO. 507 OF 2023
IN
CRIMINAL APPEAL NO.105 OF 2023**

**DYANESHWAR RAOSAHEB DHOBLE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Ashutosh C. Sisodiya, Advocate h/f Mr. A. B. Girase,
Advocate for the applicant
Mr. P. M. Kulkarni, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 14th FEBRUARY, 2023

P. C.

1. Heard.
2. Issue notice to the respondents, returnable forthwith.
Learned APP waives service of notice for the respondents/State.
3. This is an application for suspension of substantive sentence awarded by the learned Ad-hoc District Judge and Additional Sessions Judge, Jalna in Sessions Case No. 84 of 2019. The appeal filed by the applicant is already admitted. The applicant is sentenced to suffer one year simple imprisonment and to pay fine of Rs.2000/- in default, to suffer simple

imprisonment for 15 days for the offences punishable under Section 353 of the IPC and further he is sentenced to suffer simple imprisonment for one month for the offence punishable under Section 341 of the IPC. Further he is sentenced to suffer simple imprisonment for six months and to pay fine of Rs.1000/- in default to suffer simple imprisonment for 8 days for the offence punishable under Section 504 of the IPC.

4. Learned advocate for the applicant submits that maximum sentence awarded is one year. The applicant was on bail during the trial. There is no complaint of misuse the liberty. The applicant has already deposited the fine amount on the date of judgment and his sentence is suspended till the appeal period. Therefore, the following order:-

ORDER

- a] The criminal application stands allowed.
- b] The substantive sentence awarded by the learned Ad-hoc District Judge and Additional Sessions Judge, Jalna in Sessions Case No. 84 of 2019 for the offence punishable under Sections 353, 341 & 504 of the IPC is hereby suspended pending the appeal.
- c] The applicant be released on bail on executing

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the PR bond of Rs.15,000/- with one solvent surety in the like amount.

d] The applicant shall give the contact details/address if there is change to the concerned police station.

[KISHORE C. SANT, J.]

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