

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

**CRIMINAL APPLICATION NO. 837 OF 2023
IN
CRIMINAL APPEAL NO. 175 OF 2023**

Ram Dattu Giri and another .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr. V. D. Gunale, Advocate for the Applicants.

Smt. P. V. Diggikar, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 16th MARCH, 2023.

P. C. :-

. At the outset, learned advocate for the applicants seeks leave to add victim as a party-respondent in the appeal as well as in the criminal application.

2. Leave is granted.

3. The applicants have filed an appeal challenging the judgment and order passed by the learned Additional Sessions Judge, Omerga dated 25.01.2023 whereby they are held guilty of the offence punishable under Section 509 r/w Section 34 of the Indian Penal Code. They are sentenced to suffer simple imprisonment of two (02) years and to pay fine of Rs. 10,000/- (Rs. Ten Thousand only) each and in

default to undergo simple imprisonment of six (06) months. The compensation is also directed to be paid out of the fine amount.

4. Learned advocate for the applicants submits that, during the pendency of the Sessions Case they were on bail. There is no complaint of misuse of liberty. On the date of judgment that is on 25.01.2023 their sentence is suspended on depositing of the fine amount.

5. Considering all the facts and considering that the appeal is not likely to be heard in near future, this Court finds that, the sentence needs to be suspended. Hence, the following order.

6. The criminal application is allowed.

7. The sentence as awarded by the learned Additional Sessions Judge, Omerga in Special Atrocities Case No. 1/2015 by judgment and order dated 25.01.2023 shall stand suspended.

8. The applicants shall furnish their addresses and other contact details with the police authorities and they shall keep informed about the same in case, if there is any change in the details.

9. The criminal application stands disposed off.

(KISHORE C. SANT, J.)

PS.B.