

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 945 OF 2023

IN

CRIMINAL APPEAL NO. 196 OF 2023

NARAYAN GINYANDEO KANADE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Appellants : Mr. Shekade Shashikant E.

APP for Respondent/State : Mrs. P. V. Diggikar

...

CORAM : KISHORE C. SANT, J.

DATE : 20th MARCH 2023.

Per Court :

1. This application is by the accused/appellants, who have filed appeal in this Court and the same is admitted by separate order. This application is for suspension of sentence as awarded by the learned Additional Sessions Judge, Beed in Sessions Case No. 194/2019 by order dated 20.02.2023. By way of the impugned judgment and order, both the appellants are held guilty for the offences punishable under Sections 332 read with Section 34 of the Indian Penal Code vide Section 235(2) of the Code of Criminal Procedure and both are

sentenced to suffer Simple Imprisonment for two years and to pay fine of Rs.500/- and in default to suffer Simple Imprisonment for ten days.

2. The learned Advocate for the appellants submits that during the trial, appellants were on bail. There is no allegation of misuse of the liberty. They have also paid the fine amount on the date of judgment itself in the trial Court. On payment of fine amount, the learned trial Judge has suspended the sentence till the appeal period. He further states that looking to the pendency of the matter and that appeal may not be heard in near future, he therefore prays for suspension of sentence. Hence the following order.

ORDER

- (i) The Criminal Application is allowed.
- (ii) The sentence awarded by the learned Additional Sessions Judge, Beed in Sessions Case No. 194/2019 by order dated 20.02.2023 shall remain suspended till the appeal is heard.
- (iii) Both the appellants shall furnish bail bond in the amount of Rs.15000/- in the trial Court.
- (iv) Both the appellants shall keep informed the police authorities

about their residential address and mobile numbers and shall also inform immediately if there is any change in the details of their address or mobile numbers.

3. With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]

Najeeb.