

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

**24 CRIMINAL APPLICATION NO.973 OF 2023
IN APEAL/201/2023**

**ANIL GANGARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA**

Mr.M.G. Kochar h/f. Mr. B.R. Warma, Advocate for the applicant.
Mr.PM. Kulkarni, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 15.03.2023**

PC :-

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

02. This is an application filed by the applicant, who has preferred appeal against judgment and order passed by the learned Additional Sessions Judge, Amalner dated 21.02.2023 in Session Case No.72 of 2019. By way of the impugned judgment and order, the applicant is convicted for the offence punishable 353 of the Indian Penal Code. He is sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.500/- and in default to undergo simple imprisonment for three months. He is further convicted for the offence punishable 506 Part II of the IPC and sentenced to undergo imprisonment for one year and to pay fine of Rs.500/- in default to undergo simple imprisonment for three months. The applicant submits that the applicant was on bail during the trial and there is no complaint of misuse of

liberty by the applicant.

03. Considering the short sentence and the appeal is not likely to be taken up for final disposal in near future, the learned Advocate for the applicant submits that the substantive sentence be suspended pending the appeal. The learned Advocate also points out that fine amount is already paid and the sentence is already suspended by the Trial Court on the date of judgment itself.

04. Considering the above submissions, this Court feels that the application deserves to be allowed. Therefore, the substantive sentence as awarded by the learned Additional Sessions Judge, Amalner stands suspended during the pendency of the appeal, on the same bail and fresh bond.

05. The application stands disposed off.

[KISHORE C. SANT, J.]