

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

**CRIMINAL APPLICATION NO. 1248 OF 2023
IN
CRIMINAL APPEAL NO. 289 OF 2023**

Sham Prabhakar Kolapkar

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. A.N. Nagargoje, Advocate for applicant
Ms. R.P. Gour, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATED : 05th APRIL, 2023**

PER COURT :

1. Heard.
2. Issue notice to the respondent. Learned A.P.P. waives service of notice for the respondent – State.
3. The applicant has been convicted for the offence punishable under Sections 353 and 323 of the Indian Penal Code and sentenced to suffer simple imprisonment for three months and two months respectively and to pay fine of Rs.5,000/-, in default, to suffer simple imprisonment for ten days.

4. The trial Court itself has suspended the substantive sentence of imprisonment. The fine amount has been deposited. Since it being a short term sentence and the fact that the appeal is not likely to come up for final hearing in near future, the execution of substantive sentence of imprisonment to stand suspended, pending the appeal. The applicant be released on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

5. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD