

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

**26 CRIMINAL APPLICATION NO. 1247 OF 2023
IN APEAL/288/2023**

**KHANDU RAMLAL GANGURDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr.S.N. Dudhate, Advocate for the applicants.
Mr.P.M. Kulkarni, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 03.04.2023**

PC :-

01. Heard learned Advocate for the applicants and learned APP for the respondent/State.

02. This is an application filed by the applicants for suspension of substantive sentence imposed upon them by the learned Sessions Judge, Dhule by judgment and order dated 04.03.2023 in Sessions Case No.73 of 2016. The applicants who are original accused Nos.2,3,4,5,9,10 and 12 are held guilty for the offences punishable under sections 326, 324, 143, 147, 148 r/w 149 of the Indian Penal Code and sentenced as under :-

- a) Rigorous imprisonment for 3 (three) years each and to pay fine of Rs.500/-, in default to suffer rigorous imprisonment for 15 days for the offence punishable under section 326 r/w 149 of the IPC.
- b) Rigorous imprisonment for 1 year for the offence punishable under section 324 r/w 149 of the IPC.
- c) Rigorous imprisonment for 1 year for the offence punishable under section 148 r/w 149 of the IPC.

03. The sentences are suspended till the appeal period on deposit of fine amount on the date of judgment itself.

04. The learned Advocate for the applicants submits that during trial all these applicants were on bail and there is no complaint of misuse of liberty. Their sentence is short sentence i.e. less than three years and they are claiming suspension of substantive sentence. In view of the fact that it is short sentence and the appeal is not likely to be heard in the near future, this Court finds that case is made out to suspend the substantive sentence as awarded by the learned Additional Sessions Judge, Dhule in Sessions Case No.73 of 2016 by judgment and order dated 04.03.2023. Hence, the following order :-

ORDER

- i) The application is allowed.
- ii) The substantive sentence of the applicants for the offences punishable under section 326, 324, 143, 147 and 148 r/w 149 of the IPC as per judgment and order passed by learned Additional Sessions Judge, Dhule, on 04.03.2023, shall stand suspended on executing fresh bond of Rs.15,000/- (Rupees Fifteen Thousand) each.
- iii) The bail shall be furnished before the Trial Court.
- iv) The applicants shall inform their contact details such as residential address, mobile number to the concerned police station and shall also intimate if there is change in contact details.

05. The application accordingly stands disposed off.

[KISHORE C. SANT, J.]