

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

**30 CRIMINAL APPLICATION NO. 1425 OF 2023 IN
CRIMINAL APPEAL NO. 318 OF 2023**

**ISHWAR NANDU LAKHWAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Vikram S. Kadam, Advocate for the applicants
Mrs. P. V. Diggikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 21st APRIL, 2023

P. C.

1. Heard.

2. This is an application seeking suspension of substantive sentence awarded by the learned Additional Sessions Judge, Vaijapur by order dated 08-03-2023 in Sessions Case No.296/2012. Total twelve accused persons were tried in the said case. The present applicants were accused Nos. 1 and 12. The applicants are held guilty of the offences punishable under Sections 324 of the Indian Penal Code. They are directed to suffer R I for two years and to pay fine of Rs.1000/- in default to suffer S I for one month for the offence punishable under Section 324.

3. Learned advocate for the applicants submits that during the trial the accused were on bail. There is no allegation that they have misused the liberty while they were on bail. Sentence is short sentence. On the date of conviction their substantive sentence are suspended. They have already paid the fine amount in the trial court. He further submits that looking to the pendency of the appeal, the appeal is not likely to be heard in near future and prays for suspension of substantive sentence.

4. Learned APP opposes the application saying that the applicants are convicted for the offences under the IPC.

5. In view of the submission and the fact that sentence is short sentence and the sentence is already suspended, this court finds that it would be in the interest of justice to suspend the substantive sentence pending the appeal. Therefore, the following order:-

ORDER

a] The criminal application stands allowed.

b] Substantive sentence as awarded by the learned Additional Sessions Judge, Vaijapur by order dated 08-03-2023 in Sessions Case No.296/2012 is hereby suspended pending the appeal.

(3)

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c] The applicants be released on bail on furnishing PR bond of Rs.15,000/- [Rupees Fifteen Thousand] each with one solvent surety in the like amount on the following conditions:

i] The applicants shall provide the contact details like mobile number and address, in case of any change to the concerned police station.

[KISHORE C. SANT, J.]

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