

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

**CRIMINAL APPLICATION NO. 1435 OF 2023
IN APEAL/323/2023
CHANDRABHAN VITTHAL BUCHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr.N.Y. Kingaonkar, Advocate for the applicants.
Mrs.PV. Diggikar, APP for the respondent/State.

CORAM : KISHORE C. SANT, J.
DATED : 18.04.2023

PC :-

01. The applicants have filed appeal in this Court, which is already admitted by a separate order. This application is filed praying for suspension of substantive sentence imposed by the learned Adhoc Additional Sessions Judge-2, Parbhani by his judgment and order dated 20.03.2023 in Sessions Case No. 10 of 2022. The applicants are held guilty for the offences punishable 353 and 332 read with section 34 of the Indian Penal Code and directed to undergo simple imprisonment for two months for the offence punishable under section 353 of the IPC and further sentenced to undergo simple imprisonment for one year and to pay fine of Rs.2000/- and in default to undergo simple imprisonment for 30 days for the offence punishable under section 332 of the IPC.

02. The learned Advocate for the applicants submits that the applicants have deposited fine amount on the date of judgment itself. The applicants were on bail during trial and their sentence is suspended till the appeal period. Therefore, he prays for suspension of substantive sentence.

03. Looking to the fact that the sentence is a short sentence and fine amount is already paid and this appeal may take some time to come up for final hearing, this Court feels that a case is made out to suspend the substantive sentence. After hearing the learned Advocate for the applicant and learned APP for the State, the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The substantive sentence as awarded by the learned Adhoc Additional Sessions Judge-2, Parbhani vide judgment and order dated 20.03.2023 in Sessions Case No.10 of 2022 shall stand suspended till final disposal of the appeal, on same bail fresh bond.
- iii) The applicants shall inform their contact details to the concerned police station and keep informing the same in case there is change in contact details.
- iv) The criminal application stands disposed off.

[KISHORE C. SANT, J.]