

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

37 CRIMINAL WRIT PETITION NO.566 OF 2023

**GANGADHAR LALU GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Madhukar M. Parbhane, Advocate for the petitioner

CORAM : KISHORE C. SANT, J.

DATE : 17th APRIL, 2023

P. C.

1. This writ petition is directed against the order passed by the learned Additional Sessions Judge, Nanded dated 29-03-2023 on an application Exh.5 in Criminal Appeal pending before the court.

2. By impugned order the learned appellate court has only suspended sentence. However, no stay is granted. This petition is only to the extent of not granting to the conviction. It is a case of the petitioner that he was convicted by the learned JMFC, Nanded by judgment and order dated 08-03-2022 and has imposed the punishment. The petitioner is held guilty for

the offences punishable under Sections 143, 147, 323 & 504 read with Section 149 of the IPC and sentence is imposed upon him for different period.

3. It is a case of the petitioner that he is in service working as Police Head Constable and now he has received notice issued by Superintendent of Police, Nanded dated 23-03-2023 to show cause as to why no action of dismissal from service be taken in view of conviction by the learned JMFC, Nanded.

4. Learned advocate for the petitioner relied upon the judgment in the case of *Navjot Singh Sindhu Vs State of Punjab reported in 2007 (2) SCC 574* to support his submission. He further submits that now his service is remained only 18 months for retirement. Therefore, it is necessary to stay conviction.

5. This court finds that his submission cannot be accepted. However, learned Sessions Judge can be directed to

decide the criminal appeal. Hence, the following order:-

ORDER

- a] Criminal writ petition is disposed off.
- b] The learned District and Sessions Judge is requested to decide criminal appeal No. 17/2023 as early as possible and preferably within a period of six months from the date of receipt of this order.

[KISHORE C. SANT, J.]

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