

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

**CRIMINAL APPLICATION NO.1462 OF 2023
IN APEAL/532/2017**

Keshav s/o. Ganpati Shinde and others ..Applicants

Versus

The State of Maharashtra ..Respondents

Mr.N.S.Ghanekar, Advocate for applicants
Mr.R.P.Gaur, APP for State

**CORAM : R.G. AVACHAT, J.
DATE : APRIL 13, 2023**

ORDER :-

Heard.

2. The applicants herein have been convicted for the offence punishable under Section 304 Part II of Indian Penal code and therefore, sentenced to suffer rigorous imprisonment for seven years vide order dated 12.10.2017 passed by learned Addl. Sessions Judge-1, Nanded.

3. This Court, vide order dated 16.01.2018, has suspended execution of substantive sentence of imprisonment of the present applicants. That order has been executed, meaning thereby they were released on bail.

4. It is informed that the State had preferred an appeal for enhancement of sentence awarded for the offence under Section 304 Part II of I.P.C. so also another appeal against acquittal of the applicants of the offence punishable under Section 302 of I.P.C. The appeals have been dismissed by the Division Bench of this Court vide order dated 30.01.2023.

5. It is informed that learned Addl. Sessions Judge, Nanded, has issued warrant in exercise of the powers under Section 390 of the Code of Criminal Procedure and the applicants have been sent to jail. On what basis, such order is passed is not known, while the applicants herein have already been granted suspension of the substantive Sentence.

6. In view of the above, the application is allowed. The applicants be set at liberty, immediately.

7. Learned Registrar (Judicial) to ensure compliance of this order by today evening.

8. The parties to act on authenticated copy of this order.

[R.G. AVACHAT, J.]

KBP