

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

**39 CRIMINAL APPLICATION NO. 1492 OF 2023 IN
CRIMINAL APPEAL NO.338 OF 2023**

**RAJENDRA MADHAVRAO NILLAMWAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. E. Shekade, Advocate for the applicant
Mr. Y. G. Gujrathi, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 17th APRIL, 2023

P. C.

1. Heard.

2. This is an application seeking suspension of substantive sentence awarded by the learned Additional Sessions Judge, Beed dated 17-03-2023 in Sessions Case No. 17/2021. The applicant is held guilty of the offences punishable under Sections 353, 332, 294 and 341 of the Indian Penal Code. He is directed to suffer R I of six months and to pay fine of Rs.5000/-, in default to suffer R I of one month for the offence punishable under Section 332 of the IPC. He is further directed to suffer simple RI for one month and to pay fine of Rs. 1000/- in default to suffer R I for seven days for the offence punishable under

Section 294 of the IPC and is also directed to suffer R I for one month and to pay fine of Rs. 500/- in default to suffer R I for seven days for the offence punishable under Section 341 of the IPC.

3. Learned advocate for the applicant submits that during the trial the accused was on bail. There is no allegation that he has misused the liberty while he was on bail. Sentence is short sentence. On the date of conviction his substantive sentence is suspended. He has 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 applicant is 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.

(3)

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b] Substantive sentence as awarded by the learned Additional Sessions Judge, Beed dated 17-03-2023 in Sessions Case No. 17/2021 is hereby suspended pending the appeal.

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

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

[KISHORE C. SANT, J.]

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