

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

**902 CRIMINAL APPLICATION NO. 1556 OF 2023
IN APEAL/352/2023**

**ASHISH @ VISHAL RAMA THOMBARE
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Appellant : Mr. Chaware K.O. Nagargoje Ankush Nivrutti
APP for Respondent – State : Mr. Y. G. Gujarathi**

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CORAM : KISHORE C. SANT, J.

DATE : 25.04.2023

PER COURT :

01. Heard the learned Advocate for the appellant and learned APP for the State.

02. This application is filed by the original appellant No.2, who is convicted for the offence punishable under Section 326 of the Indian Penal Code and is sentenced to undergo rigorous imprisonment for three years and also to pay fine of Rs. 10,000/- and in default to suffer further imprisonment for three months by the learned Sessions Judge, Jalgaon in Sessions Case No.07/2017 dated 24.03.2023. The applicant by way of this application is praying for suspension of a substantive sentence. The learned Advocate submits that during the trial, the applicant was on bail, there is no complaint of misuse of liberty. The applicant has also paid amount of Rs. 5000/- on the date of judgment

itself. Sentence is also suspended till appeal period, he therefore, prayed for suspension of sentence pending the appeal in this Court. This Court finds that it is in the interest of justice to suspend the same as imposed by the learned trial Judge. Since the applicant was on bail during the trial and he has already paid the fine amount and further considering that the appeal would not come for hearing in near future following order :

ORDER

1. The application is allowed.
2. The sentence as imposed by the learned Sessions Court by judgment an order dated 24.03.2023 in Sessions Case No. 07/2017 for the offence punishable under Section 326 is hereby suspended till the appeal is heard on following conditions :
 - (i) Applicant shall furnish the bail on executing P. R. bond and solvent surety in the sum of Rs. 15,000/- (Rs. Fifteen Thousand only).
 - (ii) He shall give his contact details and address to the concerned police station. He shall inform the police about any change in above details.
03. Hence, this application stands disposed off.

(KISHORE C. SANT, J.)

shp/-