

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

**1 CRIMINAL APPLICATION NO.1562 OF 2023
IN APEAL/353/2023**

1. Balaji Munjaji Shinde (A-5)
2. Navnath Dattabuwa Bharti (A-7)
3. Balgir Khushalgi Giri (A-8) ...Applicants

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for the applicants : Dr. Nandedkar Sahebrao G.
APP for Respondent-State : Ms. R.P.Gaur
...

WITH

**CRIMINAL APPLICATION NO.1563 OF 2023
IN APEAL/354/2023**

1. Shrikant Laxmikant Pathak
2. Sandeep Ramchandra Chapanwar
(Chaparwal)
3. Bhayya @ Purushottam Ramji Sharma ...Applicants

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for the applicants : Mr. Suraj R. Bagal
APP for Respondent-State : Ms.R.P.Gaur
...

CORAM : R. G. AVACHAT, J.

DATE : 18.04.2023.

PER COURT :

1. It is informed by the learned Advocates appearing for the applicants that the copies of the judgment of conviction have not yet been supplied to any of the appellants/applicants. It is also informed that only an operative order of conviction and consequent sentence was passed on 11.04.2023 and the copies thereof have been supplied only to four of the applicants.

2. Perusal of the order impugned herein indicates that the applicants have been convicted for various offences and consequently sentenced to certain terms of imprisonments. The maximum term of imprisonment which the applicants are supposed to undergo is 5 years. The applicants are in jail since the date of impugned order i.e. from 11.04.2023. It is also informed that the judgment of conviction has yet not been uploaded.

3. Believing on the submissions made by the learned Advocates for the applicants, the applications deserve to be allowed.

4. The learned APP has strong reservations for allowing applications without affording an opportunity to him of being heard, since neither the copies of the applications nor the impugned order is supplied to him.

5. The learned APP may be justified in his contention. However, the submissions made by the learned Advocates appearing for the applicants lead this Court to allow all the applications. Hence the order :

ORDER

- (a) All the applications are allowed.
- (b) Pending the appeals, the execution of substantive sentences of imprisonment imposed upon the applicants by the learned Additional Sessions Judge-1, Nanded, in Sessions Case No. 358 of 2019, by the judgment and order dated 11.04.2023, to stand suspended. The applicants be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each, with one

surety each in the like amount.

6. The Advocates for the applicants even urged for suspension of the order of conviction. The same cannot be decided at this stage, unless the entire evidence is gone through and the learned APP is heard in that regard. The applicants are at liberty to move such applications.

7. The parties to act upon the authenticated copy of this order.

(R. G. AVACHAT)
JUDGE

mahajansb/