

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

**1 CRIMINAL APPLICATION NO.1578 OF 2023
IN APEAL/357/2023**

1. Balu Laxman Tidke ...Applicant

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for the applicant : Dr. Nandedkar Sahebrao G.
APP for Respondent-State : Mr.N.T.Bhagat
...

CORAM : R. G. AVACHAT, J.

DATE : 19.04.2023.

PER COURT :

1. It is informed by the learned Advocate appearing for the applicant that the copy of the judgment of conviction has not yet been supplied to the appellant/applicant. 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 applicant has been convicted for various offences and consequently sentenced to certain terms of imprisonments. The maximum term of imprisonment which the applicant is supposed to undergo is 5 years. The applicant is 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 submission made by the learned Advocate for the applicant, the application deserve to be allowed.

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

5. The learned APP may be justified in his contention. However, the submission made by the learned Advocate appearing for the applicant lead this Court to allow all the application. Hence the order :

ORDER

(a) The application is allowed.

(b) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant 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 applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

6. The Advocate for the applicant 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 applicant is at liberty to move such application.

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

(R. G. AVACHAT)
JUDGE

sbm/-

mahajansb/