

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

**25 CRIMINAL APPLICATION NO. 1654 OF 2023 IN
CRIMINAL APPEAL NO.375 OF 2023**

**BANDU @ PRABHAKAR SHRIMANT GALDHAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Rajendra N. Chavan, Advocate for the appellants
Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 02nd MAY, 2023

P. C.

1. Heard.

2. This is an application seeking suspension of substantive sentence awarded by the learned Judge, Special Court SC & ST (POA), Act, Aurangabad by order dated 15-04-2023 in Sessions Case No.45/2015. The applicants are held guilty of the offences punishable under Sections 324 & 326 of the Indian Penal Code. Accused Nos. 1 to 3 are directed to suffer R I for 2 years and to pay fine of Rs.10,000/- each in default to suffer R I for 3 months for the

offence punishable under Section 324. Accused No.4 is directed suffer R I for 3 years and to pay fine of Rs.10,000/- in default to suffer R I for 3 months for the offence punishable under Section 326 of the IPC.

3. Learned advocate for the applicants submits that during the trial the accused were on bail. There is no allegation that they have misused the liberty while they were on bail. Sentence is short sentence. On the date of conviction their substantive sentence is suspended. They have 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 applicants are convicted for the offences under the IPC.

5. In view of the submission and the fact that sentence is short sentence and the same is already suspended, this

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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.
- b] Substantive sentence as awarded by the learned Judge, Special Court SC & ST (POA), Act, Aurangabad by order dated 15-04-2023 in Sessions Case No.45/2015 is hereby suspended pending the appeal.
- c] The applicants to furnish PR bond of Rs.15,000/- [Rupees Fifteen Thousand] each with one solvent surety in the like amount.
- d] The applicants shall provide the contact details like mobile number and address, in case of any change to the concerned police station.

[KISHORE C. SANT, J.]

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