

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1653 OF 2023
IN
CRIMINAL APPEAL NO. 374 OF 2023

SAYYAD AJGAR @ GABBAR SAYYED YASIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Gangakhedkar Shailendra S.
APP for Respondent No.1/State : Mrs. P. V. Diggikar

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CORAM : KISHORE C. SANT, J.
DATE : 3rd MAY 2023.

Per Court :

1. This application is for seeking suspension of substantive sentences as awarded by the learned Additional Sessions Judge, Nanded in Special Atrocity Case No. 40/2019 by order dated 15.04.2023. By way of the impugned judgment and order, the applicants are held guilty for the offences punishable under Section 323 read with Section 34 and Section 354 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act. All the applicants are sentenced to suffer Rigorous Imprisonment for Six Months and to pay fine of Rs.1000/- each, in default of payment of fine, to suffer Rigorous Imprisonment for One Month each, for the offence punishable under Section 323 read with Section 34 of IPC. For Section 3(1)(r)(s) of the Atrocities Act, all the applicants are sentenced to suffer Rigorous Imprisonment for Six Months and to pay fine of Rs.10,000/- each, in default of payment of fine, to suffer Rigorous Imprisonment for Three Months.

. In addition to the above, applicant No.4/accused No.4 is also convicted for the offence punishable under Section 354 of the IPC and Section 3(1)(w)(i)(ii) of the Atrocities Act. For Section 354 of the IPC, he is sentenced to suffer Rigorous Imprisonment for Six Months and to pay fine of Rs.25,000/-, in default of payment of fine, to suffer Rigorous Imprisonment for Six Months till the appeal period. For Section 3(1)(w)(i)(ii) of the Atrocities Act, he is sentenced to suffer Rigorous Imprisonment for Six Months and to pay fine of Rs.25,000/-, in default of payment of fine, to suffer Rigorous Imprisonment for Six Months till the appeal period.

2. The learned Advocate for the applicants submits that the fine amount is already deposited in the trial Court and the sentences are also suspended by the learned trial Court for appeal period. Looking to the duration of sentence that it is for only two years and appeal is not likely to come up for hearing, he prays for suspension of sentence.

3. Considering the fact that the fine amount is already deposited and the sentences are already suspended for appeal period, this Court finds that the application deserves to be allowed. Hence the following order.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentences awarded by the learned Additional Sessions Judge, Nanded in Special Atrocity Case No. 40/2019 by order dated 15.04.2023, are suspended.
- (iii) All the applicants shall furnish bail bond in the amount of Rs.15000/- each, in the trial Court and shall keep informed the concerned police authorities about their residential addresses and their mobile numbers.

- (iv) All the applicants shall not contact the informant.
- (v) With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]

Najeeb.