

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

**906 CRIMINAL APPLICATION NO.1713 OF 2023
IN APEAL/807/2023**

**SACHIN S/O LAXMAN PARDESHI
VERSUS
THE STATE OF MAHARASHTRA**

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Ms. Vaishali Shinde, Advocate for the applicant.
Mrs. D.S. Jape, A.P.P. for the respondent – State.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 26th October 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant, who is the original accused, is seeking suspension of his substantive sentence of imprisonment for four years for the offence punishable under Section 307 of the Indian Penal Code in Sessions Case No. 183/2021.
3. The learned Counsel for the applicant submits that though the office note is there that fine amount is not paid by the accused, but on inquiry with jail authority, it revealed that the applicant has deposited the fine amount. Further, according to her, the applicant has already undergone imprisonment for the period of two and half years since he was not on bail during the trial.
4. The learned A.P.P. strongly opposed the application on the ground that the conviction is recorded by the learned Trial Court after considering the entire evidence on record. Further, there is clear-cut evidence against the applicant.

5. However, it appears that the present applicant / accused has already undergone imprisonment for the period of two and half years out of his total imprisonment awarded of four years. Moreover, he has also paid the fine amount. As such, considering the short period of sentence, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment for four years, for the offence punishable under Section 307 of the Indian Penal Code imposed upon the applicant in Sessions Case No. 183/2021 under judgment and order dated 19.09.2022, is hereby suspended during the pendency of this appeal.
- (ii) The applicant be released on bail on execution of his P.R. bond of Rs. 25,000/- with one or more solvent sureties in the like amount.
- (iii) Bail in lower Court.
- (iv) The fees of the learned Counsel for the applicant who is appointed by Legal Services Authority, be quantified as per rules.
- (v) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)