

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

CRIMINAL APPLICATION NO. 1755 OF 2023

IN

CRIMINAL APPEAL NO. 396 OF 2023

VITTHAL S/O SHRAWAN MOHKAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Vishal A. Chavan h/f Mr. Deshmukh Devang
Rajendrraa

APP for Respondent/State : Mr. P. M. Kulkarni

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

1. This application is for suspension of substantive sentences as awarded by the learned District Judge-4 and learned Additional Sessions Judge, Jalgaon in Sessions Case No. 41/2020 by order dated 06.03.2023. By way of the impugned judgment and order, applicant is convicted for the offences punishable under Section 304-A of the Indian Penal Code and Section 30 of the Arms Act. For the offence punishable under Section 304-A of IPC, he is sentenced to suffer Rigorous

Imprisonment for two years. For the offence punishable under Section 30 of the Arms Act, he is sentenced to suffer Simple Imprisonment for Six Months. Both the sentences are directed to run concurrently.

2. The learned Advocate for the applicant submits that during the trial, applicant was on bail and he has also paid the fine amount on the date of judgment itself. He further states that there is no allegation of misuse of the liberty and his sentence is already suspended by the learned trial Court for the appeal period. He prays for suspension of both sentences.

3. Considering the above, this Court finds that the application deserves to be allowed. Hence the following order.

ORDER

- (i) The application is allowed.
- (ii) Both the substantive sentences awarded by the learned District Judge-4 and learned Additional Sessions Judge, Jalgaon in Sessions Case No. 41/2020 by order dated 06.03.2023, are suspended till further order.

- (iii) The applicant shall furnish bail bond in the amount of Rs.15000/- in the trial Court and shall keep informed the concerned police authorities about his residential address and mobile number.
- (iv) With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]

Najeeb.