

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1889 OF 2023
IN
CRIMINAL APPEAL NO.444 OF 2023

SHANKAR BABURAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Lalitkumar S. Mahajan, Advocate for the Applicant
Mr. PN. Kutti, APP for the Respondent – State

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CORAM : S.G. CHAPALGAONKAR, J.
(VACATION COURT)

DATE : 17th MAY, 2023

PER COURT :

. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Appeal No.444 of 2023, challenging the judgment and order dated 26th April, 2023 passed by the Additional Sessions Judge, Jalna in Sessions Case No. 314 of 2019.

2. Heard Mr. Mahajan, the learned advocate for the applicant and Mr. PN. Kutti, the learned APP.

3. Mr. Mahajan would submit that the applicant – appellant has filed the appeal challenging the impugned judgment and order, by which the appellant – applicant is convicted for the offence under

Section 304 part II of the Indian Penal Code and appellant is sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs.25,000/- in default to suffer rigorous imprisonment for one month. The learned advocate for the applicant would point out that there are good grounds in the appeal. He would further submit that the applicant is sentenced for 03 years and even after conviction, the sentence has been suspended and interim protection of bail is continued.

4. In view of the above, I do not find any impediment to suspend the substantive sentence of imprisonment pending appeal. Hence, the application is allowed in terms of prayer clause 'C', which reads thus:

“(C) Pending hearing and final disposal of the Criminal Appeal, the impugned Judgment of Conviction and order of sentence dated 26.04.2023 passed by Ld. Additional Sessions Judge, Jalna, District Jalna in Sessions Case No.314/2019, may kindly be suspended and the applicant may kindly be released on bail.”

5. The substantive sentence imposed on the appellant

– applicant vide the impugned judgment and order dated 26th April, 2023 passed by the Additional Sessions Judge, Jalna in Sessions Case No. 314 of 2019 is suspended pending the appeal. Meanwhile, the applicant be released on bail on his furnishing PR Bond of Rs.25,000/- with one solvent surety in the like amount, pending the appeal. The applicant shall attend the proceedings of appeal regularly. Bail before the learned trial Court.

(S.G. CHAPALGAONKAR)
VACATION JUDGE

GGP