

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

975 CRIMINAL APPLICATION NO.2165 OF 2023

IN
CRIMINAL APPEAL NO.527 OF 2023

1. Dhammapal Kaduba Dandge
2. Daivashali Deorao Zine .. Applicants

Versus

The State of Maharashtra .. Respondent

...

Advocate for Applicants : Mr. Abhishek C. Deshpande
APP for Respondent – State : Mr. S.P. Sonpawale

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CORAM : R. M. JOSHI, J.

DATE : 4th JULY, 2023

PER COURT :

. This application is filed for suspension of substantive sentence imposed on the present applicants – appellants by order dated 04.05.2023, whereby applicant no.1 was convicted for offence punishable under Section 324, 504 r/w. 34 of the Indian Penal Code (in short, ‘IPC’) and applicant no.2 was convicted for offence punishable under Section 323, 324, 504 r/w. 34 of the IPC and maximum sentence awarded to them is one year simple imprisonment.

2. Learned counsel for applicants states that if applicants are required to undergo sentence, then the appeal will be infructuous.

. This Court finds substance in the said contention. Hence following order:

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed on the applicants – appellants by the impugned order dated 04.05.2023 passed by learned Sessions Judge at Aurangabad in Sessions Case No.362/2012, stands suspended till decision of the appeal.

(iii) The applicants – appellants be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand only) each, with one surety in the like amount each.

(iv) Bail before the Trial Court.

[R. M. JOSHI]
JUDGE

GGP