

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

**909 CRIMINAL APPLICATION NO.3103 OF 2023
IN APEAL/757/2023**

**PARASRAM YAMAJI KHOSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Ujwal Patil, Advocate for the applicants.

Mr. R.D. Sanap, A.P.P. for respondent-State.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30th August 2023.

ORDER:-

1. Heard.
2. Issue notice to the respondent. The learned A.P.P. waives service for respondent-State.
3. Heard rival submissions.
4. All the applicants, who are original accused Nos.2 to 4, are seeking suspension of their substantive sentence of rigorous imprisonment for 2 years, in default to suffer simple imprisonment for one month for the offence punishable under Section 324 of the Indian Penal Code in Sessions Case No.7/2014.
5. 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.

However, it appears that the present applicant / accused were on bail throughout the trial. Moreover, they have also paid the fine amount and learned trial Court has also released them on bail after conviction vide order dated 19.07.2023. In view of the same, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of rigorous imprisonment for 2 years, in default to suffer simple imprisonment for one month for offence punishable under Section 324 of the Indian Penal Code imposed upon these applicants in Sessions Case No. 7/2014 is hereby suspended during the pendency of this appeal.
- (ii) All the applicants be released on bail on execution of their P.B. & S.B. for Rs.15,000/- each.
- (ii) Bail in lower Court.

(SANDIPKUMAR C. MORE, J.)