

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

**13 CRIMINAL APPLICATION NO.3142 OF 2023
IN APEAL/766/2023 WITH APEAL/766/2023**

**VILAS DATTATRAYA DHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Abhishek Vijay Bhagat, Advocate for the applicant.

Mr. R.D. Sanap, A.P.P. for respondent No.1.

Ms. Nikita Gore, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 11th September 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant, who is original accused, is seeking suspension of his substantive sentence of imprisonment for five years, for the offence punishable under Sections 306 of the Indian Penal Code and one year imprisonment for the offence punishable under Section 39 of Maharashtra Money Lending (Regulation) Act, 2014 in Sessions Case No.121/2018.
3. The learned Counsel for respondent No.2 i.e. son of the deceased and 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. The learned Counsel for respondent No.2 has also pointed out that the applicant despite direction of learned trial Court, failed to deposit compensation of Rs. 1,00,000/- awarded to family members of deceased Raju Baban Makude.

4. However, it appears that the present applicant / accused was on bail throughout the trial. In fact, he was granted pre-arrest bail. Moreover, he has also paid the fine amount. Only the question remains that the applicant has not deposited the compensation amount. Therefore, considering the fact that he was on bail during the trial, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment for five years for the offence punishable under Section 306 of the Indian Penal Code and of one year for the offence punishable under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014 in Sessions Case No.121/2018 imposed by learned Additional Sessions Judge, Ahmednagar, is hereby suspended during the pendency of this appeal subject to condition that applicant shall deposit the amount of compensation of rs. 1,00,000/- as directed by the learned trial Court within the period of two weeks in the trial Court.
- (ii) After deposit of such compensation amount with the learned trial Court, the applicant be released on bail on execution of his P.R. & S.B. for Rs. 15,000/-.
- (ii) Bail in lower Court.

(SANDIPKUMAR C. MORE, J.)