

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

911 CRIMINAL APPLICATION NO.3572 OF 2023
IN APEAL/857/2023

AFZAL KHAN ANSAR KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. K. N. Shermale
APP for Respondent-State: Mr. P. M. Kulkarni
....

CORAM : SANDIPKUMAR C. MORE, J.
DATED : 12/10/2023.

P. C. :

1. Heard rival submissions.
2. The applicant, who is original accused, is seeking suspension of his substantive sentence of imprisonment for 3 months each, under Sections 353 and 332 of the Indian Penal Code in Sessions Case No.50 of 2019.
3. 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.
4. However, it appears that the present applicant / accused was on bail throughout the trial. Moreover, he has also paid the fine amount and learned trial Court has also released him on bail after conviction vide order dated 06/09/2023. In view of the same, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment for 3 months each for the offence punishable under

Sections 353 and 332 of the Indian Penal Code imposed upon the applicant in Sessions Case No.50 of 2019 vide judgment and order dated 06/09/2023 is hereby suspended during the pendency of this appeal.

- (ii) The applicant be released on execution of his P.R. bond of Rs.15,000/- with one solvent surety in the like amount.
- (ii) Bail in lower Court.
- (iii) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)