

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

CRIMINAL APPLICATION NO. 3606 OF 2023

IN

CRIMINAL APPEAL NO. 866 OF 2023

Gangadhar @ Gangaram Dada Tupe ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Advocate for Applicant : Mr. Govind M. Sharma

APP for respondent/State : Mr. P. M. Kulkarni

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 29<sup>TH</sup> SEPTEMBER, 2023

**PER COURT :**

1. Issue notice to the respondent/State. Learned APP waives service of notice on behalf of respondent/State.
  
2. Heard rival submissions.
  
3. The applicant/appellant, who is the original accused, is seeking suspension of substantive sentence of imprisonment imposed upon him by the learned Sessions Judge, Aurangabad vide judgment

and order dated 31.08.2023 in Sessions Case No. 95/2019 for the offence punishable under Sections 326, 324, 504 and 506 of the Indian Penal Code. The maximum imprisonment appears to be awarded as two years. The applicant/appellant has already deposited the fine amount as reflected from the copy of judgment. Further, it appears that the compensation is also awarded by the learned Sessions Judge, Aurangabad, from the said fine amount itself.

4. It appears that the applicant/accused was on bail throughout the trial and the learned Sessions Judge, Aurangabad, after his conviction, has also released him on bail under judgment and order dated 31.08.2023. In view of the same, following order is passed.

**ORDER**

- [i] The application is hereby allowed.
- [ii] The substantive sentence of imprisonment imposed upon the applicant by the learned Sessions Judge, Aurangabad vide judgment and order dated 31.08.2023 in Sessions Case No. 95/2019 for the offence punishable under Sections 326, 324, 504 and 506 of the Indian Penal Code, is hereby suspended during the pendency of this appeal.

- [iii] The applicant/appellant be released on bail on his execution of PR and SB for Rs. 25,000/- (Rupees Twenty Five Thousand).
- [iv] Bail before trial Court.

**[ SANDIPKUMAR C. MORE ]**  
**JUDGE**

SG Punde