

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4389 OF 2022

IN

CRIMINAL APPEAL NO. 985 OF 2022

ASHOK KESHAVRAO BHOSALE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Kale Gopal D.

APP for Respondent/State : Mr. P. N. Kutti

...

CORAM : KISHORE C. SANT, J.

DATE : 2nd JANUARY 2023.

Per Court :

1. This is an application seeking suspension of sentence imposed upon the applicant vide order dated 01.12.2022 passed by the learned Additional Sessions Judge, Udgir, Dist. Latur in Sessions Case No.01/2019. The learned trial Judge has found the applicant guilty of the offence punishable under Section 353 of the Indian Penal Code ('IPC' for short). The applicant is sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.1000/-, in default

to suffer rigorous imprisonment for one month. The applicant is acquitted from the offences punishable under Sections 332, 504 and 506 of the IPC.

2. The learned Advocate for the applicant submits that the sentence is of six months and applicant has already deposited the fine amount on the date of judgment. The learned trial Court was pleased to suspend the sentence till appeal is finally decided. He further submitted that during the pendency of appeal, the applicant was on bail and there is no allegation that he has misused the liberty. He prays for suspension of sentence.

3. Considering the above, the following order is passed.

ORDER

- (i) The substantive sentence awarded by the learned Additional Sessions Judge, Udgir, Dist. Latur in Sessions Case No. 01/2019 by judgment and order dated 01.12.2022 stands suspended till appeal is finally decided.
- (ii) The applicant shall submit fresh bail bond, as submitted in the trial Court during trial.

- (iii) The applicant shall furnish his residential address and mobile number to the concerned police station.
- (iv) With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]

Najeeb.