

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

**6 CRIMINAL APPLICATION NO. 4149 OF 2023
IN CRIMINAL APPEAL NO. 1097 OF 2023**

**PRAVIN APPARAO GUJAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. B.R. Sontakke, Advocate for the applicant.
Mr. S.B. Narwade, A.P.P. for respondent- State.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 18th December 2023.

ORDER:-

1. Heard.
2. Issue notice to the respondent. Learned A.P.P. waives service for respondent – State.
3. The applicant, who is the original accused, is seeking suspension of his substantive sentence of imprisonment for five years for the offences punishable under Sections 306 and 504 of the Indian Penal Code in Sessions Case No. 8/2018 vide judgment and order dated 19.08.2023.
4. The learned Counsel for the applicant submits that the present applicant/accused was not at all involved in the crime, but the learned trial Court convicted him by not appreciating the evidence on record properly. According to him, the applicant was on bail throughout the trial.

5. The learned A.P.P. though strongly opposed the application, but it seems that other two accused were discharged by the learned trial Court. Moreover, it is now settled that the sentence of imprisonment for fixed term needs to be suspended normally. The appeal is not likely to be heard in near future since it is recently filed. Moreover, the applicant has already deposited the fine amount of Rs. 25,000/-. In view of the same, following order is passed.

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment for five years, for the offences punishable under Sections 306 and 504 of the Indian Penal Code imposed upon the applicant/accused in Sessions Case No. 8/2018 under judgment and order dated 19.08.2023 by Addl. Sessions Judge-1, Nanded, is hereby suspended during the pendency of this appeal.
- (ii) Applicant be released on bail on execution of his P.R. bond of Rs. 25,000/- with one or more solvent sureties in the like amount.
- (iii) Bail in lower Court.
- (iv) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)