

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2262 OF 2023
IN
CRIMINAL APPEAL NO. 709 OF 2023**

1. Mahendra Dinkar Jadhav
2. Jyotiram Hanmant Kumbhar
Versus
State of Maharashtra

...Applicants/Appellants
...Respondent

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Mr. Shubham Mhatra a/w Mr. Ashish Vernekar, Advocate for the Applicants/Appellants.

Mr. Y. Y. Dabake, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 28th JUNE, 2023.

PER COURT:

1. The applicants are seeking suspension of sentence and grant of bail during the pendency of appeal preferred by them challenging the Judgment and order dated 05.06.2023 passed by the learned Additional Sessions Judge, Islampur, convicting the applicants for offence under Section 324 r/w Section 34 of Indian Penal Code (for short “IPC”). The applicants are sentenced to suffer rigorous imprisonment for three years. The applicant No.1 is also convicted for offence under Section 506 of IPC and sentenced to suffer imprisonment for one year.

2. Vide order dated 05.06.2023, the trial Court has suspended the sentence of imprisonment in accordance with Section 389 of Cr.P.C. for a period of one month.

3. The sentence imposed by the trial Court while convicting the applicants is of short term. The applicants were on bail during the trial. The sentence of suspension was suspended for a temporary period by the trial Court on the date of conviction. Considering the aforesaid circumstances and the grounds urged in the Appeal, substantive sentence of imprisonment can be suspended. Hence, I pass the following order:

ORDER

- i. Interim Application No. 2262 of 2023 is allowed and disposed off;
- ii. The substantive sentence of imprisonment imposed vide Judgment and order dated 05.06.2023 passed by the learned Additional Sessions Judge, Islampur, in Sessions Case No. 32 of 2019 is suspended and the applicants are directed to be released on same bail granted by the trial Court with fresh bond.

(PRAKASH D. NAIK, J.)