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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4039 OF 2023
IN
CRIMINAL APPEAL NO.1210 OF 2023

Ananda @ Anil Vitthal Palve] .. Applicant
vs.
State of Maharashtra & Anr.] .. Respondents

Mr.Pandit Kasar, for the Applicant.
Mr.S.R. Agarkar, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 6th November, 2023.

P.C.

1] The present Interim Application is taken out for suspension of sentence imposed upon the Applicant vide Judgment and order dated 05.09.2023 passed by the Additional Sessions Judge, Nashik in Sessions Case No.105/2021.

The Applicant alongwith other accused having been found guilty of committing of offence under Section 341 r/w 149, 353 r/w 149, 143 r/w 149, 147 r/w 149 and also under Section 506 r/w 149 and 504 r/w 149 of the IPC, is sentenced to distinct period of imprisonment, all the sentences having been directed to run concurrently. The maximum sentence imposed is Simple Imprisonment for 3 months.

As far as fine is concerned, though the learned counsel for the Applicant is not certain about the entire fine having been deposited by the Applicant, he makes a categorical statement that, if it is not deposited, within a period of six weeks from today, the fine amount shall be deposited.

2] Heard the learned counsel for the Applicant and the learned APP for the State.

The Applicant seek suspension of sentence imposed by the impugned order, on the ground that the Appeal is admitted by the Court and the specific ground in the Appeal is the perversity of the finding in the impugned Judgment and failure of the prosecution to prove the case beyond reasonable doubt.

3] It is the case of the prosecution that one Mahesh Shirsath, who has been described as Dacoit expressed his willingness to lead to the properties stolen by him i.e. 2 LCD TV and mobile phones. He lead the informant and the investigating team to the house of Mr. Anil Palve i.e. the Applicant and it is the case of prosecution that when an attempt was made to pick up the mobile from them, all the accused persons obstructed the Police officials by creating a ruckus and it is alleged that the accused Ashok Gangurde, who later revealed to be Ananda Palve, was armed with a chopper.

It is also alleged that when he was attempting to be taken by the police, his family members threatened the police officials and obstructed to take him to police station.

4] The sentence imposed upon the Applicant is of a fixed term and it is informed that, all the accused have undergone one month of sentence on their arrest.

In the wake of decision in the case of *Bhagwan Rama Shinde Gosai & Ors. vs. State of Gujarat (1999) 4 SCC 421*, pending the Appeal, the sentence imposed upon the Applicant vide impugned Judgment dated 05.09.2023 passed by the Sessions Court, Nashik in Sessions Case No.105/2021 is suspended.

The Applicant is directed to be released on bail on furnishing fresh bail bonds.

Interim Application is disposed off in the above terms.

[BHARATI DANGRE, J]