

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

**INTERIM APPLICATION NO. 4000 OF 2023
IN
CRIMINAL APPEAL NO. 1199 OF 2023**

Vishnu Ganpati Patil and Ors. ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr.Shekhar Ingawale - Advocate for Applicants.

Mr.S.R.Agarkar - APP for Respondent - State.

CORAM : S. M. MODAK, J.

DATE : 7th DECEMBER 2023

P. C. :-

1. Heard learned Advocate Shri.Ingawale for the Applicants and learned APP.

2. Amongst several accused persons, these 3 Appellants were convicted for the offences punishable under Section 353 read with 34 and Section 332 read with 34 of Indian Penal Code 1860 ["IPC"] and under Section 37(3) read with 135 of the Maharashtra Police Act, 1951. Whereas, Appellant Nos.1 and 2 are also convicted under Section 132 of the Representation of the People Act, 1951. They were on bail during the trial and their sentence is already suspended. Maximum sentence is six months.

3. The Appeal is already admitted.

4. A copy of injury certificate of the witness Ajit Shipugade and the copies of relevant entries from station diary are placed on record. They are marked as Annexure-X (collectively). Appellants contend that at the time of incident, they were not at the spot but in the Police Station. Fine is already paid.

5. Hence, order :-

O R D E R

(i) Substantive sentence is suspended during pendency of the Appeal subject to furnishing personal bond and surety bond of Rs.15,000/- each.

6. In view of the above, Interim Application is disposed of.

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7. Let the learned Advocate for the Appellants to point out that the record filed along with Appeal memo is sufficient to hear the Appeal.

8. Let learned APP also to go through that record.

9. Stand over to **17th January, 2024**.

10. Record and Proceeding be called.

[S. M. MODAK, J.]