

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (APPA) NO. 349/2023
IN
CRIMINAL APPEAL NO.207/ 2023

Sidharth Vishwas Athawale

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS Kurha, Tq.tiosam, Dist.Amravati.

.. Respondent

.....
Mr P.R.Agrawal, Advocate for the applicant

Mr.S.M.Ghodeswar, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 19th April, 2023.

PC:

1. The applicant has filed the present application under Section 389 of the Code of Criminal Procedure, 1973 for suspension of sentence and for grant of bail.
2. The applicant has been convicted by the learned Additional Sessions Judge, Amravati vide judgment and order dated 04.02.2023 for offences punishable under Sections 294 and 306 of the Indian Penal Code, sentencing him to suffer RI for 3 months and to pay a fine of Rs. 500/- and in default to suffer SI for 15 days for the offence u/s 294 of IPC; and R.I for one year and fine of Rs. 2000/- and in default to suffer SI for 2 months for offence u/s 306 of the IPC.
3. The learned counsel for the applicant submits that the applicant was on bail pending trial. He has not transgressed any condition that was imposed upon him at the time of granting bail. The execution of sentence has been suspended by the trial Court after pronouncement of the judgment. The fine amount has been paid by the applicant in the

trial Court. He further submits that the applicant has a good case on merit.

4. Considering the fact that the applicant was on bail pending trial and he had not misused the liberty and that the sentence imposed is of one year and that it is unlikely that the appeal would come up for final hearing in near future, I am of the view that the execution of the sentence imposed upon the applicant be suspended. Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence imposed upon the applicant by judgment and order dated 04.02.2023 passed by learned Additional Sessions Judge, Amravati in Sessions Case No.152/2018 for the offences punishable under Sections 294 and 306 of the Indian Penal Code is hereby suspended.
- (iii) Applicant – Sidharth Vishwas Athawale, shall furnish P.R. bond in the sum of Rs.25,000/- with one surety in the like amount before the lower Court.
- (iv) The applicant shall remain present before this Court at the time of final hearing of the appeal.

The application is disposed of.

Registry to process the appeal for final hearing as per the rules.

[ANIL L. PANSARE, J.]

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