

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

CRIMINAL APPLICATION NO.468 OF 2023

IN

CRIMINAL APPEAL NO.284 OF 2023

(Sagar s/o Krushnarao Mahurkar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.G. Hunge, Advocate for the appellant.
Shri A.M. Kadukar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 10, 2023.

Heard.

2. Present application is filed for suspension of sentence and for releasing the appellant on bail.

3. The appellant was prosecuted for the offence punishable under Section 307 of the Indian Penal Code.

4. Learned trial Court has appreciated the evidence and held that the appellant is guilty for the offence punishable under Section 307 of the IPC and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5000/-. The appellant has already paid the fine amount.

5. The appellant has challenged the judgment and findings of the trial Court on the ground that the learned trial Court has not considered the evidence on record which falsifies the case of the prosecution.

6. Learned trial Court has erroneously relied upon the evidence of the injured which is not corroborated by any other evidence. It is submitted that the appeal will take its own time for its final decision. In the meanwhile, if sentence is executed then preferring of the appeal would be futile.

7. Heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.

8. Perused the impugned judgment and the copies of the deposition.

9. Learned Counsel for the appellant has pointed out the reasons and the grounds which shows that the appellant has fair chance of acquittal in the present appeal, however, appeal will take its own time for its final decision. In the meantime, if the sentence is executed the purpose of preferring the appeal would be futile.

10. In view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The execution of the sentence is hereby suspended till disposal of the appeal.

(iii) The appellant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety in the like amount.

(iv) The appellant shall furnish his Cell-phone number and address along with address proof before the Investigating Officer.

11. The application is disposed of.

CRIMINAL APPEAL NO.284 OF 2023

Heard.

2. Place the matter before the Court after preparation of the paper book for final disposal.

(URMILA JOSHI-PHALKE, J.)

**Divya*