

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APPA) NO.756 OF 2023 IN
CRIMINAL APPEAL NO.474 OF 2023
Prakash Avdhutrao Sonavane Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.V. Gahilot, Advocate for appellant.
Shri A.M. Kadukar, APP for respondent no.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 19, 2023.

This application is for suspension of sentence by preferring this appeal. The appellant is challenging the judgment and the sentence passed by the learned Additional Sessions Judge, Yavatmal, by which the appellant is held guilty and sentenced to suffer rigorous imprisonment one year and fine amount of ₹3,51,431.49. The appellant has challenged the said order of sentence and judgment on the ground that the learned trial Court has not considered the evidence that the appellant is not owner of the said premises he was working there. He has every chance of success in the present appeal. However, the appeal will take its own time. In the meantime, if the sentence is executed, the appeal will become *infructuous*.

2. The said application is strongly opposed by the State on the ground that appellant has not deposited single penny of fine amount. He has used the electricity and committed theft of the said electricity. No case is made out for

suspension of sentence and hence prayed for rejection of the application.

3. Having heard both sides and after going through the impugned judgment, the appellant has made arguable points, which shows that the appellant has chance of success in the present appeal. As far as the fine amount is concerned, the appellant can be directed to deposit fine amount of ₹50,000/- within three months. Accordingly, I proceed to pass the following order:

ORDER

- i. The application is allowed.
- ii. Execution of the sentence awarded by the Additional Sessions Judge, Yavatmal in Special Case No.177/2020 dated 04.05.2023 is hereby suspended till disposal of the appeal.
- iii. The appellant to deposit an amount of ₹50,000/- within three months.
- iv. The appellant be released on bail furnishing PR bond in the sum of ₹15,000/- with one surety of like amount.
- v. The appellant shall furnish his cellphone number and his address with address proof.

The application is disposed of.

Order is corrected
as per Hon'ble
Court's order dated
31.07.2023.

Personal Assistant.

CRIMINAL APPEAL NO.474 OF 2023

1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. Learned APP waives notice of hearing for respondent/State.
5. Appeal be placed before the Court after preparation of paper book.

JUDGE*Wagh*