

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.652 OF 2023

IN
CRIMINAL APPEAL NO. 417 OF 2023

Mahadeo Sakharam Uparwat and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Patur, Dist. Akola

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

Court's or Judge's orders

Mr. R. M. Tiwari, Advocate for appellants.
Mr. I. J. Damle, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/06/2023

1. The application is for suspension of sentence and for releasing the appellants on bail.

2. The appellants were prosecuted for the offence punishable under Sections 353, 294, 309, 504 and 506 read with 34 of the Indian Penal Code. After appreciation of the evidence, the trial Court held the applicants guilty for the offence punishable under Sections 294, 504, 506, 353 read with Section 34 of the Indian Penal Code and sentenced to suffer simple imprisonment for a period of two years for the offence punishable under Section 353 of the Indian Penal Code. The appellants are also convicted for the offence punishable under Sections 294, 504 and 506 separately.

3. Being aggrieved and dissatisfied with the Judgment and order of sentence the present appeal is preferred by the appellants on the ground that learned trial Court had not considered the evidence in proper perspective. The learned trial Court has also not considered the infirmities in the prosecution evidence and convicted the appellants erroneously. The appellants have every chance of success in the present appeal. However, the appeal will take its own time for final decision. In the meanwhile, if sentence is executed the appeal will become infructuous.

4. The learned APP waives notice of the State and the objected the application.

5. Having heard both the sides and on perusal of the grounds of the appeal. It reveals that appellant has arguable points in the present appeal. The appeal will take its own time for final decision. Considering the same, the application deserves to be allowed. I accordingly I proceed to pass following orders.

ORDER

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

(ii) The appellant No.(1) Mahadeo Sakharam Uparwat, (2) Sau. Sheelabai Mahadeo Uparwat and (3) Purushottam Mahadeo Uparwat be released on bail on

(3)

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executing the PR bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

(iii) The appellants shall furnish their mobile/phone number along with their address with address proof.

The application is disposed of.

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1. Heard.
2. **Admit.**
3. Call for record and proceeding.
4. The appeal is placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

Sarkate