

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

CRIMINAL APPLICATION (APPA) NO. 750/2023 IN
CRIMINAL APPEAL NO. 471/2023

NILESH PRAKASH DESHMUKH

VS

THE STATE OF MAH. THR. PSO, PS, SAKHARKHERDA, TQ. MEHKAR,
DIST. BULDHANA.

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

Court's or Judge's Order

Mr M.V. Amale, counsel for applicant/appellant
Mr I.J.Damle, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/07/2023.

1. Heard.
2. The present application is filed for suspension of sentence and releasing the applicant on bail.
3. The applicant was prosecuted for the offences punishable under Sections 353 and 332 of the Indian Penal Code. After appreciation of evidence, the trial Court held the applicant guilty of the offence punishable under Sections 353 and 333 and sentenced to suffer R.I. of six months and to pay fine of Rs. 5000/- for the offence punishable under Section 353 as well as Section 332 of the Indian Penal Code. The said judgment and order of sentence is challenged by the applicant in the present appeal.

4. As per the contention of the applicant, appeal will take its own time for its final decision. The applicant has arguable point in the present appeal. However, in the meanwhile, if the sentence is executed then the appeal will become infructuous.

5. The said application is strongly opposed by the State on the ground that learned trial Court has rightly appreciated the evidence and rightly convicted the applicant, no ground is made out to suspend the sentence.

6. Having heard on both sides. On perusal of the application has made out the arguable points which shows that applicant has every chance of success in the present appeal. Considering the same, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

- a) Criminal application for suspension of sentence is allowed.
- b) The execution of sentence is suspended till disposal of the appeal.
- c) The applicant be released on bail on executing P.R. Bond of Rs. 15,000/- with one solvent surety of like amount.
- d) The applicant shall furnish his cell phone number and address with address proof.

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1. Heard.
2. **Admit.**
3. Learned APP waives service of notice on behalf of State.
4. Appeal be placed before the Court after preparation of paper-book.

JUDGE