

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

CRIMINAL APPLICATION (APPA) NO. 789/2023 IN
CRIMINAL APPEAL NO. 490/2023

Shlok Omprakash Jaiswal

VS

State of Maharashtra, thr. Officer-in-charge P.S. Ner, Dist. Yavatmal.

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

Court's or Judge's Order

Mr. R.R.Deo, counsel for the applicant/appellant.

Mr M.J.Khan, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/07/2023.

1. Heard.
2. The present application is for seeking suspension of sentence and for releasing the appellant on bail.
3. The appellant was prosecuted for the offence punishable under Section 135 of the Electricity Act. The learned trial Court held that the appellant guilty for the offence punishable under Section 135 of the Electricity Act and sentenced him to suffer R.I. for six months and fine amount of Rs. 2,20,310/- in default to suffer R.I. for two months.
4. Mr R.R. Deo, learned counsel for the appellant submitted that the amount of penalty is already deposited by the appellant.

5. The appellant has challenged the judgment and order of sentence on various grounds. It is submitted by the learned counsel that the appeal will takes its own time for its final decision. In the meanwhile, if the sentence is executed then the appeal will become infructuous. In view of that the execution deserves to be suspended and appellant be released on bail.

6. 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 appellant. No ground is made out for suspension of sentence.

7. Having heard both the sides. On perusal of the impugned judgment and the ground of appeal, the appellant has made out the arguable points. However, the appeal will takes its own time for its final decision. In the meanwhile, if the sentence is executed, no purpose will serve by preferring this appeal. In view of that application deserves to be allowed. Hence, I proceed to pass following order:

- a) Criminal Application No. 789/2023 is allowed.
- b) The execution of sentence be suspended till disposal of the appeal.

- c) The appellant is released on bail on execution PR. Bond of Rs. 15,000/- with one solvent surety of the like amount.

Criminal Appeal 490/2023.

- 1] Heard.
- 2] **Admit.**
- 3] Mr M.J.Khan, learned APP waives service of notice on behalf of respondent/State.
- 4] Appeal be placed before the Court after preparation of paper-book.

JUDGE