

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

CRIMINAL APPPLICATION (APPA) NO. 810/2023 IN
CRIMINAL APPEAL NO. 504/2023

MUKESH S/O KOTHIRAM LENDE
VS
STATE OF MAH. THR. PSO KARDHA DIST.BHANDARA

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

Court's or Judge's Order

Mr. K.S. Motwani, counsel for the applicant/appellant
Mr. M.J.Khan, APP for the Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/07/2023.

1. Heard.
2. Present application is for suspension of sentence and releasing the appellant on bail.
3. The appellant was prosecuted for the offence punishable under Section 307 of the Indian Penal Code. After apprehension of evidence, the learned trial Court held the present appellant guilty and sentenced him to suffer R.I. for three years and fine of Rs. 20,000/-. In default of payment of fine to suffer imprisonment of one month of the offence punishable under Section 307 of the Indian Penal Code.
4. The appellant has already paid the fine amount. The judgment and order of sentence is challenged by the appellant by preferring this appeal.

5. As per the contention of the appellant that learned trial Court has not considered the evidence in proper perspective and erroneously convicted the present appellant. The appellant has every chance of success in the present appeal. However, the appeal will take its own time for final decision. In the meanwhile, if the sentence is executed no purpose will be served by preferring this appeal.

6. The said application is strongly opposed by the State on the ground that learned trial Court has rightly considered the evidence and rightly convicted the present appellant.

7. Having heard on both the sides and on perusal of the impugned judgment as well as grounds of appeal. The appellant has made out the case that he has arguable points in the present appeal. The appeal will take its own time for final disposal. In the meanwhile, if the sentence is executed then no purpose will be served by preferring this appeal. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order.

- a) The execution of sentence is suspended till final disposal of the appeal.

- b) The appellant is released on bail on executing PR. bond of Rs.25,000/- with one solvent surety of the like amount.
- c) The appellant shall furnish his cell phone number and address with address proof.

Criminal Application is disposed of.

Criminal Appeal No. 504/2023

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

JUDGE