

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

CRIMINAL APPLICATION (APPA) NO. 843/2023

IN

CRIMINAL APPEAL NO. 520/2023

Shamla @ Ranjana Chandrakant Gharjare V/s State of Maharashtra.

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

Court's or Judge's Order

Mr. Amol G. Hunge, counsel for applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/08/2023.

1. Heard.
2. The present application is for suspension of sentence and for releasing the applicant/appellant on bail.
3. The applicant/appellant was prosecuted for the offence punishable under Sections 302 and 498-A read with Section 34 of the Indian Penal Code. The present appeal is preferred by the accused No.3. The learned Sessions Court held the present applicant/appellant guilty of the offence punishable under Section 498-A and sentenced to suffer R.I. for three months and a fine of Rs. 1000/-. The applicant/appellant has preferred this appeal and challenged the judgment and order of sentence on the ground that the learned trial Court has not appreciated the

evidence in a proper perspective. The appellant has every chance of success in the present appeal, however, the appeal will take its own time for its final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.

4. Having heard learned counsel for the appellant and learned APP for the State. Perused the application, impugned judgment, and the deposition on record. The appellant has made out the case, which shows that the appellant has every chance of success in the present appeal. However, the appeal will take its own time for its final decision. Considering the same, I proceed to pass the following order:

- a. Criminal application is allowed.
- b. The execution of the sentence is hereby suspended till disposal of the appeal.
- c. The applicant/appellant is released on bail on executing P.R. Bond of Rs. 15,000/- with one solvent surety.

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1. Heard.
2. **Admit.**
3. Learned APP waives service of notice on behalf of respondent/State.

4. Call for record and proceedings.
5. Appeal be placed before the Court after preparation of the paper-book.

JUDGE