



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.889 OF 2023

IN

CRIMINAL APPEAL NO.550 OF 2023

(Rohit Dilip Vaidya and ors. Vs. The 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

Shri A.R. Rishi, Advocate for the appellant.
Shri A.M. Kadukar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 18, 2023.

Heard.

2. Present application is filed for suspension of sentence and releasing the appellants on bail.

3. By the appeal, the appellants have challenged the judgement and order of sentence passed in Sessions Case No.170/2018 by which the appellants are convicted of the offence punishable under Section 332 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of two years each and to pay fine of Rs.2000/- each, in default to suffer simple imprisonment for one month each. The appellants further convicted of the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of one year each and to pay fine of Rs.1000/- each, in default to suffer simple imprisonment for 15 days each. The appellants further convicted of the offence punishable under Sections 186 and 294 read with

Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of one month each and to pay fine of Rs.500/- each, for both the offences. The appellants are also convicted of the offence punishable under Section 506 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of 6 months each and to pay of Rs.1000/- each, in default to suffer simple imprisonment of 15 days each.

4. It is submitted that fine amount is already paid.

5. The appellants have challenged the judgement and order of sentence on various grounds including the ground that the learned trial Court has not appreciated the evidence in proper perspective. However, the appeal will take its own time for its final decision. In the meantime, if sentence is executed the appeal will become infructuous. In view of that, it is prayed that the execution of the sentence be suspended.

6. Said application is strongly opposed by the State on the ground that the appellants have not made any ground to suspend the sentence. In view of that application deserves to be rejected.

7. Having heard both the sides. Perused the impugned judgement and the grounds of appeal. The appellants have made out the arguable points in the present appeal. However, the appeal will take its own time for its final decision. In the meantime, if sentence is

executed then appeal will become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The execution of the sentence is hereby suspended till disposal of the appeal.
- (iii) The appellants by name 1) Rohit Dilip Vaidya, 2) Rahul Dilip Vaidya and 3) Dilip Chandrakant Vaidya be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) each with one surety each, in the like amount.
- (iv) The appellants shall furnish their Cell-phone number and address along with address proof before the Investigating Officer.

8. The application is disposed of.

CRIMINAL APPEAL NO.550 OF 2023

Heard.

2. **ADMIT.**

3. Call for R. and P.

4. Place the matter before the Court after preparation of the paper book for final disposal.

(URMILA JOSHI-PHALKE, J.)