



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APPA) NO.1005 OF 2023 IN
CRIMINAL APPEAL NO.613 OF 2023

Vinod s/o Khandu alias Khanderao Aneboinwad Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Aditya Patil Mane, Advocate for appellant.
Shri M.J. Khan, APP for respondent no.1/State.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 12, 2023.

The applicant seeks suspension of substantive sentence during pendency of appeal. The applicant has been convicted for the offence punishable under Section 376 read with Section 511 of the Indian Penal Code for attempt to commit rape and he has sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.10,000/-

2. Heard learned counsel for the applicant as well as learned APP for non-applicant no.1/State.

3. It is submitted that the applicant has already deposited fine amount. The applicant was on bail during trial. The trial Court has suspended the substantive sentence for a period of provided appeal.

4. The learned APP has opposed the application on the ground that the learned trial Court has rightly considered the evidence and convicted the applicant. The applicant has no ground for appeal, hence, the application be rejected.

5. Having heard both sides and considering the quantum of punishment and the fact that number of appeals are pending before this Court, a case is made out for suspension of substantive sentence.

6. Pending appeal the substantive sentence imposed on the applicant in Special Case No.18/2010 by the learned Additional Sessions Judge, Pusad, District Yavatmal dated 31.07.2023 shall remain suspended.

7. The applicant is released on bail on furnishing PR bond of Rs.25,000/- with one surety in the like amount.

8. The applicant shall give undertaking to appear before this Court as and when directed.

9. The application is disposed of.

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10. Heard.

11. **Admit.**

12. Call record and proceedings.

13. Learned APP waives notice of hearing for respondent no.1/State.

JUDGE

Wagh