



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

Criminal Application [APPA] No.992 of 2023

in

Criminal Appeal No.609 of 2023

Abdul Asif s/o Abdul Kadir

vs.

*State of Maharashtra, through PSO, Police Station Murtizapur (R),
Tah. & Dist. Akola*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. K.A. Kothari, Advocate for the Applicant/Appellant.
Mr. M.J. Khan, A.P.P. for the Non-Applcant/Respondent.*

CORAM : M.W. CHANDWANI, J.
DATE : 8th SEPTEMBER, 2023.

The applicant/appellant seeks suspension of substantive sentence imposed by the learned Additional Sessions Judge, Akola in Sessions Trial No.204 of 2019, whereby the applicant has been convicted for the offence punishable under Sections 353 and sentenced to suffer rigorous imprisonment for two months and to pay fine of Rs.10,000/-.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] Considering the fact that the applicant has already paid the fine amount and considering the quantum of punishment coupled with a fact that during pendency of the trial, the applicant was on bail, a case is made out for suspension of sentence and grant of bail. Hence, the following order :

- i. The substantive sentence of the applicant shall remain suspended during pendency of the appeal.
- ii. The applicant shall be released on bail on his furnishing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount before the trial Court by giving an undertaking that he shall remain present in the Court as and when directed.
- iii. The application is allowed and disposed of in the aforesaid terms.

Criminal Appeal No.609 of 2023 :

Heard.

02] **Admit.**

03] The learned A.P.P. waives service on behalf of the respondent/State.

04] Call for record and proceedings.

JUDGE