



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

CRIMINAL APPLICATION(APPA) NO.986/2023 IN CRIMINAL APPEAL
NO.602/2023

Purushottam s/o Namdevrao Hingnekar 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

Mr. J.K. Matala, Advocate & Mr. V.M. Kashimkar, Advocate for applicant.
Mr. A. M. Kadukar, APP for non-applicant no.1/State.
Mr. A.R.Wagh, Advocate for non-applicant no.2/Victim.

CORAM : M.W. CHANDWANI, J.
DATED : 07/09/2023

1. Heard.
2. This is an application filed by the Victim for seeking permission to assist the prosecution. The applicant is the victim of the crime.
3. For the reasons mentioned in the application, the application is allowed.

Criminal Application (APPA) No.985/2023

4. Heard.
5. By the present application, the applicant seeks suspension of substantive sentence during pendency of the appeal. The applicant has been convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1000/-
6. The learned counsel for the applicant submits that the applicant was on bail during trial and had abide all the conditions imposed in the bail order. He has every chance of success in the appeal and, therefore, he seeks suspension of sentence.

7. Learned APP assisted by the counsel for the victim opposed for suspension of the sentence on the ground that brutal assault has been made by the applicant on his wife. It is submitted that, if this Court is inclined to suspend the substantive sentence, certain conditions may be imposed on the applicant.

8. It seems that the applicant is convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1000/-. The applicant has already paid fine amount. In bail order, he was imposed with a condition that he shall not enter into the area of Police Station, Beltarodi, where his wife/victim resides. The applicant did not visit victim's house, and resided separately.

9. Considering the post-incident conduct of the applicant and quantum of punishment, I think that the applicant has made out a case for suspension of sentence on certain conditions. Hence, I pass the following order:-

ORDER

- i) The application is allowed.
- ii) Pending appeal, the substantive sentence imposed on the applicant by judgment and order of conviction dated 27.7.2023 passed by the Additional Sessions Judge-4, Nagpur in Session Case No.368/2019 is suspended till disposal of the appeal.
- iii) The applicant/accused shall furnish P. R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount before the Trial Court.
- iv) The applicant/accused shall execute an undertaking that he will appear before this Court as and when directed.

(v) The applicant shall not enter within the jurisdiction of Police Station Beltarodi, Nagpur during pendency of the appeal.

Application stands disposed of.

Criminal Appeal No.602/2023

10. Heard.

11. **Admit.**

12. Learned APP for non-applicant no.1 and learned counsel for non-applicant no.2 waive notice.

13. Call for record and proceedings.

(M.W. CHANDWANI, J.)

ambulkar