



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APPA) NO.1007 OF 2023 IN
CRIMINAL APPEAL NO.615 OF 2023
Pramod Shrawan Rathod Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri Y. K. Dhande, Advocate for appellant.
Shri I.J. Damle, APP for respondent/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 Sections 323 and 353 of the Indian Penal Code Act and sentenced to suffer rigorous imprisonment for six months on each count and to pay fine of Rs.500/- and Rs.1,000/- respectively.

2. Heard learned counsel for the applicant as well as learned APP for non-applicant/State.

3. It is submitted that the applicant has already deposited fine amount. The applicant was on bail during trial.

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 Sessions Case No.71/2018 by the learned Additional Sessions Judge, Yavatmal dated 10.07.2023 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 State.

JUDGE

Wagh