



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

CRIMINAL APPLICATION (APPA) NO. 1075 OF 2023

IN

CRIMINAL APPEAL (APEAL) NO. 661 OF 2023

Sangita Dnyaneshwar Warpe and another

.Vs.

State of Maharashtra

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

Ms Shilpa Giratkar(Giripunje), Advocate for the applicants
Mr Ganesh Umale, APP for State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 16, 2023

Heard both sides. This is an application for suspension of sentence awarded by the learned Sessions Judge, Buldhana in Sessions Case No. 72 of 2021.

2. The applicants/accused Nos. 1 and 2 were charged for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. Learned Sessions judge found them guilty of the offence punishable under Section 304 Part-II read with Section 34 of the Indian Penal Code. Accused No.1 is sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.1000/-. Accused No. 2 is sentenced to suffer rigorous imprisonment for five years and to pay a

fine of Rs.1000/-. Accused No.1 has been released on bail by the learned Sessions Judge by suspending the substantive sentence.

3. Learned Advocate for the applicants submitted that for some time accused No.1 was in jail during the pendency of the trial. Learned Advocate submitted that appellants have good case on merits. It is further submitted that accused No.2 is in jail till date from his arrest on 08.09.2021.

4. Learned APP submitted that considering the serious nature of the crime committed by the accused the sentence may not be suspended.

5. I have gone through the record and proceedings. It is seen that accused No.1 as well as accused No.2 have served major part of the substantive sentence. Considering the fact that they are convicted and sentenced for the offence punishable under Section 304 Part-II of the Indian Penal Code and the State having not filed the appeal against their acquittal under Section 302 of the Indian Penal Code till date, it would be just and proper to grant this application.

6. Accordingly, the application is **allowed**.
7. The substantive sentence awarded by the learned Sessions Judge, Buldhana in Sessions Case No. 72 of 2021 qua accused Nos. 1 and 2 shall remain suspended during the pendency of this appeal.
8. Appellant Nos.1 and 2 be released on bail on furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with surety in the like amount.
9. Bail before the trial Court.
10. The criminal application stands **disposed of**.

(G. A. SANAP, J.)