

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APPA) NO.1066/2022 IN
CRIMINAL APPEAL NO. /2023

Purushottam Kawduji Bhoyar .vs. State of Maharashtra through PSO P.S. Umred

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

Court's or Judge's orders

Mr. N. M. Gaidhane, Advocate for applicant.
Mr. A. M. Kadukar, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 18, 2023.

Mr. Gaidhane, learned counsel for applicant has tendered pursis Stamp No.1/2023, stating therein that he has inadvertently filed application for condonation of delay though the appeal is within limitation. He, therefore, submits that he is not pressing his prayer for condonation of delay.

The application is disposed of as not pressed for orders.

CRIMINAL APPEAL NO. /2023

Heard.

Admit. Call for the record and proceedings.

Learned A.P.P. waives notice for respondent.

CRIMINAL APPLICATION ST. NO.9386/2022

Heard.

2. The applicant has filed the present application for suspension of the execution of sentence and for grant of bail. Learned Additional Sessions Judge, Nagpur, vide order dated 19.10.2022, convicted the applicant for an offence punishable under Sections 354, 341 of the Indian Penal Code and

sentenced him to undergo imprisonment for six months with fine. The fine amount has already been paid. The Sessions Court, after pronouncement of the judgment on 19.10.2022, has suspended the execution of the sentence and released the applicant on bail.

3. The applicant was on bail pending trial. There are no allegations that he has misused the liberty granted to him. On inquiry, learned counsel for the applicant submits that there are no criminal antecedents against the applicant. The appeal will take its own time for final disposal. In the circumstance, it will be appropriate to suspend the execution of substantive sentence. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence imposed upon the applicant by Judgment and order dated 19.10.2022 passed by learned Additional Sessions Judge, Nagpur in Special Atrocities Case No.11/2017, is suspended.
- (iii) Applicant-Purushottam Kawaduji Bhoyar, shall furnish PR. bond in the sum of Rs.25,000/- with one surety in the like amount before the lower Court.
- (iv) The applicant shall remain present before this Court at the time of final hearing of the appeal.

The application is disposed of.

(Anil L. Pansare, J.)