



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

CRIMINAL APPEAL NO. 717 OF 2023

Dinesh S/o. Sudhakar Surjuse and another

.Vs.

The State of Maharashtra, Through PSO, PS Kamptee, Nagpur

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

Mr R. A. Biranware, Adv. h/f. Mr O. K. Masurke, Counsel for the appellants
Ms Sneha Dhote, APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 01, 2023

1. Heard.
2. **ADMIT.**
3. Learned APP waives service of notice on behalf of respondent/State.
4. Call for record and proceedings.

CRIMINAL APPLICATION NO. 1161 OF 2023

5. Heard.
6. This is an application for suspension of substantive sentence.
7. The appellants are convicted for the offences punishable under Sections 353 and 504 read with

Section 34 of the Indian Penal Code vide judgment and order dated 30.09.2023 passed by learned Ad-hoc District Judge, Nagpur. The appellants are sentenced to suffer simple imprisonment for two years and to pay fine of Rs.1000/- each for the offence punishable under Section 353 read with Section 34 of the IPC and further sentenced to suffer simple imprisonment for one year and to pay fine of Rs.1000/- each for the offence punishable under Section 504 read with Section 34 of the IPC.

8. It is stated that during the pendency of the trial the appellants were on bail. There is no allegation of misuse of liberty by them during the pendency of the trial. It is pointed out that considering the quantum of substantive sentence the learned Adhoc District Judge was pleased to suspend the substantive sentence. Learned Advocate for the appellants submit that the appellants have deposited the fine amount. In the fact and circumstances, the application is **allowed**.

9. The substantive sentence awarded by learned Ad-hoc District Judge, Nagpur vide judgment and order dated 30.09.2023 shall remain suspended during the pendency of this appeal.

10. The appellants be released on same terms and conditions as imposed by the learned Adhoc District Judge, Nagpur at the time of suspension of sentence.

11. The application stands **disposed of**.

(SHIVKUMAR DIGE, J.)

Namrata