



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3360 OF 2023
IN
CRIMINAL APPEAL NO.818 OF 2023

1. Rajendra Changdeo Kolse,
Age: 32 years, Occu.: Agri.
2. Vijay Changedeo Kolse,
Age: 25 years, Occu.: Agri.,

Accused no.1 and 2 are R/o.
Guhapat, Guha
Tal. Rahuri, Dist. Ahmednagar
3. Deepak Sahebrao Jungle,
Age: 22 years, Occu.: Agri.
4. Nitin Sahebrao Jungle,
Age: 24 years, Occu.: Agri.,
5. Vikas Macchindra Jungle,
Age: 23 years, Occu.: Agri.

Accused no.3 and 5 are R/o.
Bramhani, Tal. Rahuri,
Dist. Ahmednagar
6. Changdeo Bhagwat Kolse,
Age: 66 years, Occu.: Agri.

R/o. Guhapat, Guha
Tal. Rahuri, Dist. Ahmednagar

.. Applicants
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through Police Inspector,
Rahuri Police Station,
Tal. Rahuri, Dist. Ahmednagar

2. Sunita Shantaram Salve,
Age: 35 years, Occu.: Agriulture,
R/o. Guha, Tq.: Rahuri,
Dist.: Ahmednagar

**.. Respondent
(Complainant)**

...

Advocate for Applicants: Mr. Manoj A. Dond (through V.C.)
APP for Respondent No.1: Mr. A. A. Khan
Advocate for Respondent No.2: Mr. S. C. Arora

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 13th JUNE, 2024

ORDER:

1. This is an application for suspension of sentence on account of conviction recorded by the learned Additional Sessions Judge, Ahmednagar, District – Ahmednagar in Sessions Case No.47/2016.

2. Learned counsel for the applicants / appellants submits that applicants were tried and chargesheeted for commission of offence under sections 354, 323, 324, 143, 147, 149, 504, 506 of Indian Penal Code, 1860 (IPC) and under sections 3(1), 10 and 11 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further pointed out that on trial, applicants are convicted for offence under sections 354, 504, 323, 143 read with 149, 147 read with 149 of the IPC and for rest of the offences, they are acquitted. It is further pointed out that the maximum sentence for each of the above offence for which conviction is recorded is one year, three months, six months

respectively. Against said judgment and order of conviction appeal has been preferred and the same is numbered as Criminal Appeal No.818 of 2023. The appeal being filed recently, it will take a long time to be heard and decided.

3. It is submitted that the applicants have a very good case in appeal and have hope of succeeding in the same. However, as there is no possibility of appeal being heard in immediate future, he prays for suspension of sentence.

4. Learned APP opposed on the ground that the offence is serious. That, guilt has been proved upon proper appreciation. Considering the nature of allegations, which are proved, he resists the relief sought.

5. Heard. Perused the judgment passed by the learned trial court, which is taken exception by filing Criminal Appeal No.818 of 2023. The operative part of the judgment shows that conviction is recorded under sections 354, 504, 323, 143 read with 149, 147 read with 149 of the IPC and the maximum sentence awarded is of one year. Therefore, considering the said short term sentence and as there are no immediate prospects of hearing appeal, which is of the year 2023, relief as prayed

deserves to be granted. Accordingly, I proceed to pass following order:

ORDER

- (I) Criminal Application stands allowed.
- (II) The substantive sentence imposed on the applicants in Sessions Case No.47 of 2016 by the learned Additional Sessions Judge-3 / Special Judge, Ahmednagar, District – Ahmednagar, on 25.08.2023 stands suspended till the final hearing and disposal of Criminal Appeal No.818 of 2023.
- (III) The applicants – Rajendra Changdeo Kolse, Vijay Changdeo Kolse, Deepak Sahebrao Jungle, Nitin Sahebrao Jungle, Vikas Macchindra Jungle, Changdeo Bhagwat Kolse be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties each in the like amount.
- (IV) The applicants shall not commit any criminal activity.
- (V) The applicants shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

(VI) In case of two consecutive defaults on the part of the applicants to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicants.

(VII) Bail before the trial Court.

[ABHAY S. WAGHWASE, J.]

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