

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

15 CRIMINAL APPLICATION NO. 3935 OF 2023
IN
CRIMINAL APPEAL NO. 1017 OF 2023

1. Mahadev Laxman Pawar
2. Balu Uttam Mali
3. Balu Laxman Pawar
4. Bhagwat Sakharam Mali
5. Bhima Uttam Mali
6. Dharmaraj Uttam Mali
7. Baban Uttam Mali
8. Yenubai Laxman Pawar ..Applicants

Versus

1. The State of Maharashtra
2. Anil Tukaram Mali ..Respondents

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Advocate for Applicants : Shri. Rajendra G. Hange
Addl. PP for the Respondent / State : Shri. S. D. Ghayal

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**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : January 29, 2024

PER COURT :-

. This is the Application for suspension of substantive sentence imposed by the learned Additional Sessions Judge, Beed in Sessions Case No.26/2015 vide Judgment and order dated 11.09.2023 thereby convicting the Applicants / Appellants for the offences punishable under Sections 302, 324, 148 r/w. Section 149 of the Indian

Penal Code and sentencing them to undergo Life Imprisonment with fine of Rs.10,000/-, in default to undergo further Rigorous Imprisonment for two (02) years for the offence punishable under Section 302 r/w. 149 of the I.P.C. and to suffer Rigorous Imprisonment for one (01) year for the offence punishable under Section 324 r/w. 149 of the I.P.C. and to suffer Rigorous Imprisonment for three (03) years for the offence punishable under Section 148 of the I.P.C.

2. Heard the learned Advocate for the Applicants and the learned Addl. P. P for the Prosecution. Perused the paper-book.

3. It appears from the paper-book that the quarrel took place between the Applicants on one side and the Informant and deceased on the other side. The quarrel resulted in assault. Appellants were on bail during the trial. The Appeal would not come up for final hearing in the near future. Thus, in our view, it would be appropriate to Suspend the substantive sentence of the Applicants / Appellants during the pendency of the present Appeal.

4. Hence, the following order:

ORDER

(i) The Application is allowed.

(ii) The substantive sentence imposed by the learned Additional Sessions Judge, Beed in Sessions Case No.26/2015 vide Judgment and order dated 11.09.2023 on the Applicants / Appellants, namely,

1. Mahadev Laxman Pawar, 2. Balu Uttam Mali, 3. Balu Laxman Pawar, 4. Bhagwat Sakham Mali, 5. Bhima Uttam Mali, 6. Dharmaraj Uttam Mali, 7. Baban Uttam Mali, 8. Yenubai Laxman Pawar, is suspended during the pendency of the present Appeal.

(iii) The Applicants / Appellants be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each, with one surety in the like amount each.

(iv) Bail before the Trial Court.

(v) The Applicants / Appellants shall report to the concerned Police Station once in two months between 06:00 p.m. to 08:00 p.m. on the last Monday of second month for the period of Three Years from today.

(vi) The Applicants / Appellants shall not change their residential address without intimation to the concerned Police Station.

5. Criminal Application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)