

Vijay Mahadaeao Kalambate	...	Appellant
V/s.		
State of Maharashtra	...	Respondent

Mr. A.R. Patil, APP, for the State.

DATE : 12TH APRIL 2024.

3. The applicant was tried for the offence punishable under sections 354, 342 and 506 of IPC. In the trial Court he was acquitted by way of judgment and order dated 17.04.2014 in SCC No. 383 of 2009 passed by the learned JMFC, Dapoli. The applicant is convicted in the appeal by the learned Additional Sessions Judge, Khed vide

judgment and order dated 3rd April 2024 in Criminal Appeal No. 20 of 2017 and the sentence is as below:

Sr. No.	Sections	Punishment	Fine Amount
1.	354 of IPC	R.I. two years	Rs. 30,000/- and in default, to undergo for four months.
2.	342 of IPC	R.I. one year	Rs. 1000 and in default, to undergo for two months.
3.	506 of IPC	R.I one year	Rs. 29,000/-and in default, to undergo two months.

4. Learned advocate for the applicant submits that the applicant has already paid the fine amount on the date of judgment itself. During the trial, the applicant was on bail. He was acquitted by the trial Court. His acquittal is set aside and he is convicted by the Appellate Court. Maximum sentence awarded is only two years. He thus prays for suspension of sentence and release of the applicant on bail.

5. Learned APP fairly submits that the sentence is only two years and that too after the trial Court acquitted the applicant and thus he does not oppose the application. Hence, the following order:

ORDER

- i) Application is allowed.
- ii) Sentence awarded by the Additional Session Judge, Khed dated 3rd April 2024 in Criminal Appeal No. 20 of 2017, stands suspended. Pending the appeal.
- iii) The applicant shall be released on bail on furnishing PR. bond of Rs. 15,000/- and one solvent surety in the like amount. Fine amount is already paid.
- iv) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the police station. If there is any change in the contact details the same will be immediately informed to the concerned police station.

6. With this, the application is disposed of accordingly.

(KISHORE C. SANT, J)