



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

CRIMINAL APPLICATION NO.168 OF 2024

IN

CRIMINAL APPEAL NO.84 OF 2024

(Siddharth s/o Baliram Borkar and ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms R. Gajbhiye, Advocate h/f Mr. M.V. Rai, Advocate for the applicants.
Mr. N.H. Joshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 13, 2024.

By this application, the appellants are seeking suspension of sentence and releasing him on bail.

2. The appellants have challenged the order passed by the Additional Sessions Judge, Mehkar by which the appellants are convicted of the offence punishable under Section 353 read with Section 34 of the Indian Penal Code and Section 332 read with Section 34 of the IPC and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.5000/- and in default to suffer simple imprisonment for one month.

3. Learned Counsel for the appellant submitted that the learned trial Court has not considered the evidence and erroneously convicted the appellant. The appellant has every chance of success in the present appeal and pointed out from the impugned judgment that she has arguable points in the present appeal however, it

will take its own time for its final decision. In the meanwhile, if sentence is executed, the appeal will become infructuous.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal is meritless and application deserves to be rejected.

5. Having heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.

6. Learned Counsel for the appellants has pointed out that she has arguable points in the present appeal however it will take its own time for its final disposal. In the meanwhile, if sentence is executed, the purpose of preferring the appeal will frustrate.

7. In view of the submission and after going through the impugned judgment, the appellant has made out the arguable points however, the appeal will take its own time for its final decision. Considering the same the execution of the sentence deserves to be suspended. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence passed in Sessions Case No.31/2020 is hereby suspended till final disposal of the appeal.

(iii) The appellants be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) each with one surety each in the like amount.

(iv) The appellants shall furnish their Cell-phone number and address along with address proof before the trial Court.

8. The application stands disposed of.

CRIMINAL APPEAL NO.84 OF 2024

Heard.

2. **ADMIT.**

3. Learned Additional Public Prosecutor waives notice for the State.

4. Call for R. & P

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)