



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 411 OF 2024 IN
CRIMINAL APPEAL NO. 221 OF 2024

Rupesh s/o Bapusaheb Mahure and others V/s 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

Mr. C.F. Bhagwani, counsel for applicants/appellants.
Mrs. U.R. Phasate, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/04/2024.

1. By preferring this application, the applicants/appellants are seeking suspension of sentence and releasing the applicants/appellants on bail.
2. Learned counsel for the applicants submitted that applicants are convicted by the Sessions Court for the offence punishable under Section 363 read with Section 34 of the Indian Penal Code, 1860, and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 1,000/- each, and in default to suffer further S.I. for one month.
3. Learned counsel for the applicants further pointed out from the impugned judgment that the learned trial Court has not considered the evidence in proper perspective and he has many arguable points in the present appeal, but the appeal would take its own time for its final decision. In

the meantime, if the sentence is executed, the appeal would become infructuous.

4. The learned APP strongly opposed the present application on the ground that the appeal is devoid of merits and the application deserves to be rejected.

5. Having heard the learned counsel for the applicants and the learned APP for the State, perused the impugned judgment. Considering the fact that a limited period sentence is imposed on the present applicants as well as the appeal would take its own time for its final decision and in the meantime, if the sentence is executed, the appeal would become infructuous. Moreover, the applicants have also made out the arguable points which can be considered while considering the appeal.

6. In view of that, I proceed to pass following order:

- (i) The execution of the sentence is hereby suspended till disposal of the appeal.
- (ii) The applicants shall be released on bail on executing PR. Bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

7. The application (APPA) No. 411/2024 stands **disposed of.**

CRIMINAL APPEAL NO. 221 OF 2024

1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned APP waives service of notice on behalf of the State.
5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]