



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

CRIMINAL APPLICATION (APPA) NO.422 OF 2024
IN
CRIMINAL APPEAL NO.233 OF 2024

Rajni Ramachandra Atram and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Desaiganj, District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Vishwajeet Sambre, Advocate h/f Mr. Rajnish Vyas, Advocate for
appellants.

Ms. Shamshi Haider, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/04/2024

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

2. Learned Counsel for the appellants submitted that the appellants were prosecuted for the offence punishable under Sections 353, 332 and 504 read with Section 34 of the Indian Penal Code and the learned Sessions Court has held him guilty for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code and sentenced to suffer simple imprisonment for two months each and fine of Rs.1,000/- each, in default, to suffer simple imprisonment for ten days each. The appellants have already deposited the amount of fine.

He submitted that the learned trial Court has not appreciated the evidence in proper perspective and pointed out that he has arguable points in the present appeal, but the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal will become infructuous.

3. Learned APP strongly opposed the said application on the ground that appeal is devoid of merits and therefore, the application deserves to be rejected.

4. After hearing both the sides, perused the impugned judgment, learned Counsel for the appellants has already pointed out that he has arguable points in the appeal. Moreover, the punishment imposed is for a limited period and the contention of the learned Counsel for the appellants is that in the meantime, if the sentence is executed, the appeal will become infructuous, has some substance. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The execution of sentence passed in Sessions Case No.38/2022 is suspended, till final disposal of the appeal.

(iii) The appellant **No.(1) Rajni Ramachandra Atram, No.(2) Shital Ramachandra Atram** 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.

(iv) The Criminal application is disposed of.

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- (i) Heard.
- (ii) **Admit.**
- (iii) Learned APP waives service of notice for the State.
- (iv) Call for record and proceedings.
- (v) Appeal be placed before this Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)