



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

CRIMINAL APPLICATION (APPA) NO. 429 OF 2024
IN
CRIMINAL APPEAL NO. 236 OF 2024

Devidas Pandurang Jengthe 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

Ms. Aastha Sharma, counsel h/f Mr. P.R.Agrawal, counsel for the applicant/
appellant.

Mr. U.R.Phasate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2024.

1. Heard.
2. By preferring this application, the applicant/
appellant is seeking suspension of sentence and released him
on bail.
3. The applicant was prosecuted for the offence
punishable under Sections 307 and Section 506 of the Indian
Penal Code, 1860. During the trial, the learned Sessions
Judge, Chandrapur held him guilty of the offence punishable
under Section 326 and sentenced him to suffer rigorous
imprisonment for two years and pay a fine of Rs. 2,000/-. He
is further convicted for the offence punishable under Section
506 of the Indian Penal Code, 1860 and sentenced him to
suffer rigorous imprisonment for six months and to pay fine of
Rs. 500/-. The fine amount is already deposited before the
learned Trial Court.

4. Learned counsel for the applicant submitted that the punishment imposed is for a limited period. Moreover, she has many arguable points in the present appeal and every chance of success. The appeal would take its own time for its final decision. In the meanwhile, if sentence is executed, irreparable loss would cause to the present applicant.

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

6. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned judgment. From which, the learned counsel for the applicant has pointed out that she has many arguable points in the present appeal. Admittedly, the punishment imposed is for limited period, and if the sentence is executed, the appeal would become infructuous. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence is hereby suspended till disposal of the appeal.
- (iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iv) The applicant shall furnish his Cell-phone number and address along with address proof before the trial Court.

8. The criminal application (APPA) No. 429/2024 is **disposed of.**

CRIMINAL APPEAL NO. 236 OF 2024

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

[URMILA JOSHI-PHALKE, J.]