



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

CRIMINAL APPLICATION (APPA) NO. 493 OF 2024 IN
CRIMINAL APPEAL NO. 275 OF 2024

Karbhari s/o Tukaram Chaware 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. R.V. Gahilot, counsel for applicant/appellant.
Mrs. Swati Kolhe, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/05/2024.

1. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing the applicant/appellant on bail.

2. Learned counsel for the appellant submitted that the appellant was prosecuted for the offence punishable under Sections 235(2), 332 and 504 of the Indian Penal Code, 1860. After appreciation of the evidence, the learned trial Court held him guilty of the offence punishable under Section 235(2) and sentenced him to suffer R.I. for six months and to pay fine of Rs. 5,000/-, in default, further S.I. for the period of one month. He was convicted for the offence punishable under Section 332 and sentenced to suffer S.I. for six months and to pay a fine of Rs. 5000/- in default, further S.I. for one month. He further convicted for the offence punishable under Section 504 and sentenced to suffer R.I. for three months and to pay fine of Rs. 2,000/-, in default, further S.I. for ten days.

3. Learned counsel for the appellant submitted that the sentence imposed is for a limited period. The learned trial Court has not appreciated the evidence in proper perspective. The appellant has every chance of success and also pointed out from the impugned judgment that 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 itself is devoid of merits and the application deserves to be rejected.

5. Having heard the learned counsel for the appellant and the learned APP for the State, perused the impugned judgment. From which, the learned counsel for the appellant pointed out, he has many arguable points. Admittedly the appeal would take its own time for its final decision. The sentence imposed is for a limited period, if the sentence is executed, the appeal would become infructuous. Moreover, the appellant has 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 appellant shall be released on bail on executing P.R. Bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

7. The application (APPA) No. 493/2024 stands **disposed of.**

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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.]