



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

CRIMINAL APPLICATION (APPA) NO. 501 OF 2024
IN
CRIMINAL APPEAL NO. 280 OF 2024

Raju S/o Shalikram Awje

..VS..

State of Maharashtra through PSO, P.S. Ramtek, Nagpur.

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

Court's or Judge's orders

Mr. Rohan Kothari, Advocate h/f. Mr. Rajnish Vyas, Advocate for
applicant/appellant.

Mrs. Swati Kolhe, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09th MAY, 2024

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

2. The appellant was prosecuted of the offence punishable under Section 7-A of the Prevention of Corruption Act and sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs.20,000/-, in default of paying fine, sentenced to suffer further Rigorous Imprisonment for six months.

3. Learned Counsel for the appellant submitted that the learned trial Court has not appreciated the evidence in proper prospective. He also pointed out from the judgment that he has many arguable points in the present appeal. Moreover, the sentence imposed is of a limited period. The appeal would take its own time for

its final disposal. In the meant time, if the sentence is executed, the purpose of preferring the appeal would frustrate.

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

5. Having heard the learned Counsel for the appellant and learned APP for the State. Perused the impugned judgment from which the appellant has pointed out that he has many arguable point in the present appeal. Moreover, the punishment imposed is of a limited period. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that the application of the appellant deserves to be allowed.

6. Accordingly, I proceed to pass following order :

- i) The application is allowed.
- ii) The execution of the sentence imposed in Special Case No.17/2019 is hereby suspended till disposal of the appeal.
- iii) The appellant **Raju S/o Shalikram Awje**, shall be released on bail on executing PR. bond of Rs.25,000/- with one solvent surety in the like amount.

The application is **disposed of**.

CRIMINAL APPEAL NO. 280 OF 2024

1. Heard.
2. **ADMIT.**
3. The appeal be placed before this Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

Kirtak