



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

CRIMINAL APPLICATION (APPA) NO. 548 OF 2024
IN
CRIMINAL APPEAL NO. 310 OF 2024

Dashrath @ Ghus s/o Narottam Shahu Vs 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. Meena Hiwase, counsel for the applicant.

Mr. C.A.Lokhande, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/07/2024.

1. Heard.
2. By preferring this application, the applicant / appellant is seeking suspension of sentence and releasing him on bail.
3. Learned counsel for the applicant submitted that applicant was prosecuted of the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC). The applicant is convicted for the offence punishable under Section 307 of the IPC and sentenced to suffer simple imprisonment for two years and pay fine of Rs. 5,000/- in default of fine, simple imprisonment for three months.
4. Learned counsel for the applicant submitted that as far as the quantum of punishment is concerned, learned trial Court has not appreciated the evidence in proper

perspective, and he also pointed out from the impugned judgment that, there are many arguable points raised in the present appeal. Moreover, he submitted that the punishment imposed is for a limited period, and the appeal would take its own time for final decision. In the meanwhile, if the sentence is executed, the appeal become infructuous. In view of that, he prayed for execution of sentence and releasing the applicant on bail.

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

6. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned judgment. From which, it reveals that the applicant has many arguable points in the present appeal, especially the evidence of the medical officer. Admittedly, the appeal would take its own time. Moreover, the punishment imposed is of a limited period, if the sentence is executed, then purpose of preferring 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 (APPA) No. 548/2024 is allowed.
- (ii) The execution of the sentence in Sessions Trial Case No. 554/2019 is hereby suspended till disposal of the appeal.

- (iii) The applicant be released on bail on executing PR.
Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

CRIMINAL APPEAL NO. 310 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.]