



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION NO.552 OF 2024**

**IN**

**CRIMINAL APPEAL NO.313 OF 2024**

(Uttam s/o Domduji Neware and anr. Vs. State of Maharashtra)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Mr. R.S. Akbani, Advocate for the appellants.  
Ms T.H. Udeshi, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**

**DATED :- JUNE 18, 2024.**

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

2. The appellants were prosecuted of the offence punishable under Sections 324 and 452 of the Indian Penal Code and after trial they were held guilty of the offence punishable under Sections 324 read with 34 of the IPC and sentenced to suffer rigorous imprisonment for two years each and to pay fine of Rs.5000/- each, they are also convicted of the offence punishable under Section 452 read with 34 of the IPC and sentenced to suffer rigorous imprisonment for two years each and to pay fine of Rs.1000/- each in default to suffer simple imprisonment for one month.

3. Learned Counsel for the appellants submitted that the learned trial Court has not appreciated the evidence in proper perspective. He pointed out from the

impugned judgement that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, if sentence is executed then the appeal will become infructuous. In view of that, he prays for suspension of sentence and releasing the appellant on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal is devoid of merits, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned judgement from which the learned Counsel for the appellants has pointed out that he has many arguable points in the present appeal and there are every chance of success. However, the appeal would take its own time for its final decision, moreover the punishment imposed is for a limited period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 22/05/2024 passed by the District Judge-11 and Additional Sessions Judge, Nagpur in Sessions Case No.46/2017 is hereby suspended till final disposal of the appeal.

(iii) The appellants i.e. 1) Uttam s/o Domduji Neware and 2) Sheshrao s/o Domduji Neware be released on bail on executing PR. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) each with one surety each, in the like amount.

6. The application stands disposed of.

**CRIMINAL APPEAL NO.313 OF 2024**

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

**(URMILA JOSHI-PHALKE, J.)**