



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

CRIMINAL APPLICATION NO.603 OF 2024

IN

CRIMINAL APPEAL NO.332 OF 2024

(Dilip s/o Harikisan Jaiswal 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

Mr. A.S. Dhore, Advocate for the appellant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 1, 2024.

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

2. The appellant was prosecuted of the offence punishable under Sections 324, 342, 376(2)(n) and 506 of the Indian Penal Code and Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. After recording the evidence, the learned Special court has held the appellant guilty of the offence punishable under Sections 324 and 342 of the IPC and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.20,000/- in default to suffer simple imprisonment for three months. The appellant is further convicted of the offence punishable under Section 342 of the IPC and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.1000/- in default to suffer simple imprisonment for one month.

4. Learned Counsel for the appellant submitted that submitted that the appeal will take its own time for its final decision. In the meantime, if sentence is executed, the appeal would become infructuous. In view of that, the execution of sentence be suspended and the appellant be released on bail.

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

6. I have heard learned Counsel for both the parties and perused the impugned judgment from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period punishment. The appeal would take its own time for its final decision. In the meantime, if sentence is executed, the appeal would become infructuous. 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 24/05/2024 passed by the Judge, Special Court, Buldana in Special Case No.56/2019 is hereby suspended till final disposal of the appeal.

(iii) The appellant be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety, in the like amount.

(iv) The appellant shall furnish his Cell-phone number and address along with address proof before the trial Court.

7. The application stands disposed of.

CRIMINAL APPEAL NO.332 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.)