



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

CRIMINAL APPLICATION (APPA) NO.767 OF 2024
IN
CRIMINAL APPEAL NO.436 OF 2024

Sachin Deorao Purke

Vs.

State of Maharashtra, Through Police Station Officer, Hinganghat,
District Wardha

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

Court's or Judge's orders

Mr. A. M. Chandekar, Counsel for applicant/appellant.
Mr. U. R. Phasate, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/08/2024

1. By preferring this appeal, the applicant has challenged the judgment and order of sentence passed in Sessions Case No.28/2021 wherein the applicants are held guilty under Section 324, 294, 435 and 427 of the Indian Penal Code. The maximum punishment imposed on all the applicants was rigorous imprisonment of three years and fine. The applicants have already paid the fine amount.

2. Learned Counsel for the applicants submitted as far as the applicant No.1 is concerned, he has already undergone the punishment and as far as applicants Nos.2 and 3 are concerned, they have filed an appeal as the learned Sessions Court has not considered the evidence against them and

erroneously convicted them. The appeal would take its own time for its final decision. In the meantime, if the sentence is executed, the applicant No.3 would lost her job. It is further submitted that the purpose of preferring the appeal would frustrate, in view of that he prayed for suspension of sentence till disposal of the appeal.

3. Learned APP strongly opposed the said application on the ground that appeal is devoid of merits and liable to be dismissed. In view of that application deserves to be rejected.

4. After hearing the learned Counsel for the applicants and learned APP for the State. As far as the applicant No.1 is concerned, he has already undergone the sentence, but as far as applicant Nos.2 and 3 are concerned, the punishment imposed is of a limited period, the appeal would take its own time for its final decision. In the meantime, if sentence is executed, the purpose of preferring the appeal would frustrate. In view of that the prayer of suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The execution of the sentence of the applicant Nos. 2 and 3 is hereby suspended till decision of the appeal.

(ii) The applicant Nos.1 to 3 shall be released on bail on executing PR bond in the

sum of Rs.25,000/- each with one solvent surety of the like amount.

5. The criminal application is disposed of.

CRIMINAL APPEAL NO.436 OF 2024

1. Heard.
2. **Admit.**
3. Learned APP waives service of notice for the State.
4. Call for record and proceedings.
5. Appeal be placed before this Court after preparation of the paper book.
6. Leave is granted to the appellant to file a separate application for stay to the conviction.

(URMILA JOSHI-PHALKE, J.)