



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

CRIMINAL APPLICATION (APPA) NO.800 OF 2024
IN
CRIMINAL APPEAL NO.451 OF 2024

Sheshrao Dadaji Urkude and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Veltur
District Nagpur

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

Court's or Judge's orders

Mr. S. B. Taywade, Counsel for the applicants/appellants.
Ms. Sneha Dhote, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/08/2024

1. By preferring this appeal, the appellant has challenged the judgment and order of conviction passed in Sessions Case No.543/2022 whereby the appellants are held guilty for the offence punishable under Section 306 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for the period of three years and to pay fine of 2000/- each.

2. Learned Counsel for the appellants submitted that the fine amount is already paid. It is further submitted that the learned trial Court has acquitted the accused on the same set of facts and held them guilty on the allegation of abetment to commit suicide. He pointed out from the impugned judgment that he has many arguable points in the

present appeal, however the appeal would take its own time for its final decision. Moreover, the punishment imposed is of a limited period. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate and prayed for suspension of execution of the sentence.

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

4. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which the learned Counsel for the appellants pointed out that he has many arguable points in the present appeal. Admittedly, the appeal would take its own time for its final decision, considering the punishment imposed is of a limited period and if sentence is executed then purpose of preferring appeal would frustrate. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The execution of the sentence imposed in Sessions Case No.543/2022 is suspended till disposal of the appeal.

(iii) The appellant **No.(1) Sheshrao Dadaji Urkude and No.(2) Madhav Dadaji**

Urkude shall be released on bail on executing PR Bond of Rs.15,000/- each with one solvent surety of the like amount.

5. The application is disposed of.

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1. Heard.
2. **Admit.**
3. Learned APP waives service of notice for the State.
4. Call for record and proceedings.
5. The appeal be listed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)