



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

CRIMINAL APPLICATION (APPA) NO.1061 OF 2023
IN
CRIMINAL APPEAL NO.653 OF 2023

(Sunil s/o Sawanji Neware Vs. State of Maharashtra thr. PSO PS Arvi, Tah. Arvi, Dist.
Wardha)

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

Court's or Judge's orders.

Mr. M. V. Rai, Advocate for Applicant.
Mr. N. B. Jawade, APP for Non-Applciant/State.

CORAM: M. W. CHANDWANI, J.

DATE: 26th FEBRUARY, 2024.

The applicant seeks suspension of substantive sentence in Sessions Case No.15/2019 passed by the learned Additional Sessions Judge, Wardha by impugned order dated 06.07.2023 the learned Additional Sessions Judge recorded the judgment and order of the conviction and convicted the applicant for offence punishable under Section 354, 354-A(1)(i) and section 450 of the Indian Penal Code and is sentenced him to undergo rigorous imprisonment for period of four years and pay fine of Rs.5000/-, rigorous imprisonment for period of three years and pay fine of Rs.5000/- and rigorous imprisonment for period of three years and to pay fine of Rs.2500/-, respectively.

2. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in

this case. According to him, there was dispute of the father of the applicant along with his neighbour over the measurement of the land and the victim was very much close to the said family, therefore, in order to score against the applicant, false case been lodged. In the cross-examination of the victim, she has admitted that she has given the statement to the police and the Doctor as per the say of Bandu Gedam with whom the father of the applicant was on inimical terms.

3. The learned APP objected the application on the ground that the Court has after going through the record, recorded the judgment and order of conviction. There is no merit in the appeal, therefore, sought rejection of the application.

4. Though the applicant was charged for offence under Section 376 of IPC also, the learned Sessions Judge has acquitted from the said charges. The applicant has been convicted for fixed term of four years. In view of admissions by the victim in her cross-examination, an arguable case is made out on the merits of the case. The appeal may not be heard in near future. The position will not be reversible in case the applicant succeeds in appeal. A case is made out for suspension of sentence. Hence, this order.

5. The application is allowed. Pending the appeal and the substantive sentence in Sessions Case No.15/2019 shall remain suspended.

6. The applicant shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
7. The applicant shall appear before this Court on the date of final hearing of appeal.
8. The application is allowed and disposed of.

JUDGE

NSN