



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

CRIMINAL APPLICATION (APPA) NO.839 OF 2024
IN
CRIMINAL APPEAL NO.481 OF 2024

(Hafijullakhan Nabiullakhan and another Vs. The State of Maharashtra thr. the
officer in charge Hiwarkhed Police Station, Tah. Khamgaon, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. K. S. Agrawal, Advocate for Appellants/Applicants.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 5th SEPTEMBER, 2024.

1. By preferring this application, the appellants have challenged the judgment and order of sentence passed by the learned Additional Sessions Judge, Khamgaon by which the appellants are convicted for the offences punishable under Sections 332, 294, 506 and 353 read with Section 34 of the Indian Penal Code the maximum sentence awarded is one year and fine of Rs.500/- each for the offences under Sections 332, 294, 506 and 353 read with Section 34 of the Indian Penal Code.

2. The learned counsel for the appellants submitted that they have already deposited the amount of fine. He further submitted that the learned trial court has not scrutinized the evidence in proper perspective. He has many arguable points in the present appeal. Moreover, punishment imposed is of a limited period.

The appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the purpose behind preferring the appeal would frustrate. In view of that, the execution of the sentence be suspended.

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

4. After hearing the learned counsel for the appellants and the learned APP for the State, perused the impugned judgment from which the learned counsel for the appellants have pointed out that they have many arguable points. Moreover, the punishment imposed is of a limited period. Undisputedly, the appeal would take its own time for its final disposal and in the meantime if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- [i] The application is allowed.
- [ii] The execution of the sentence is suspended till disposal of the appeal.
- [iii] The appellants shall be released on bail on executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

5. The application stands disposed of.

CRIMINAL APPEAL NO.481 OF 2024:

1. Heard.
2. Admit.
3. Call for record and proceedings.
4. Mr. K. R. Lule, learned APP waives notice for respondent/State.
5. Place the appeal before the Court after preparation of the paper-book.

(URMILA JOSHI-PHALKE, J.)