



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

CRIMINAL APPLICATION (APPA) NO.900 OF 2024
IN
CRIMINAL APPEAL NO.523 OF 2024

Ram @ Anurag s/o Vijay Deshmukh
Vs.

State of Maharashtra, Through Police Station Officer, Karanja Lad, District
Washim

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

Court's or Judge's orders

Ms. A. R. Sharma, Counsel h/f Mr. P. R. Agrawal, Counsel for the appellant.
Mrs. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/09/2024

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and (Section 389 of the Code of Criminal Procedure).

2. Learned Counsel for the appellant submitted that the appellant was prosecuted for the offence punishable under Sections 353, 294 and 186 of the Indian Penal Code. Learned trial Court held him guilty and sentenced to suffer rigorous imprisonment of six months and to pay fine of Rs.1000/- in default of payment of fine to suffer simple imprisonment for one month for the offence punishable under Section 353 of the Indian Penal

Code. He is further convicted for the offence punishable under Section 294 and sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/- in default, to further imprisonment for 15 days for the offence punishable under Section 294 and for the offence punishable under Section 186 he is sentenced to suffer simple imprisonment for three months and fine of Rs.500/- in default, to suffer further imprisonment for 15 days.

3. Learned Counsel for the appellant from the impugned judgment pointed out that she has many arguable points in the appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed then the purpose of preferring the appeal would frustrate.

4. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits, in view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which learned Counsel has pointed out that she has many arguable points. Moreover, punishment imposed is of a limited period and if the sentence is executed then the purpose of preferring the 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 passed in Sessions Trial No.79/2019 is suspended till disposal of the appeal.
- (iii) The appellant shall be released on bail on executing PR Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

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

(URMILA JOSHI-PHALKE, J.)