



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

CRIMINAL APPLICATION (APPA) NO. 178 OF 2024

IN

CRIMINAL APPEAL NO. 95 OF 2024

CHANDRASHEKHAR SURESHRAO DAMBHARE

Vrs.

STATE OF MAHARASHTRA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. M. Khan, Advocate for applicant.
Shri A. G. Mate, A. P. P for respondent-sole.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 15/02/2024.

1. By this application, the applicant is seeking suspension of sentence and releasing the applicant on bail.
2. The applicant was prosecuted for the offence punishable under Sections 354-A, 504 and 506 of the Indian Penal Code. After appreciation of the evidence, learned Trial Court held the applicant guilty and sentenced him to suffer Rigorous Imprisonment of three years and fine of Rs.1,000/-, in default, seven days simple imprisonment.
3. By way of this appeal, the appellant has challenged the Judgment and order of sentence on the ground that learned Trial Court has not considered the evidence that there is no allegation against the present applicant regarding outraging of modesty. The appellant

has every chance of success in the present appeal. But, the appeal will take its own time for its final decision. In the meantime, if the sentence is executed, the appeal would become infructuous. In view of that, the applicant prays for suspension of sentence.

4. Learned APP strongly opposed the application on the ground that the Judgment and order of sentence is legal and proper one and no grounds are made out by the present applicant. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned Judgment and order. Learned counsel for the applicant pointed out that he has arguable points in the present appeal and the appeal will take its own time. Considering the fact that the punishment awarded is for a limited period. The execution of sentence deserves to be suspended. Accordingly, I proceed to pass following order :-

ORDER

- i] The execution of the sentence is suspended, till disposal of the appeal.
- ii] The applicant be released on bail on executing PR bond of Rs.15,000/- with one solvent surety in the like amount.
- iii] The application is disposed of.

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6. Heard.
7. **Admit.**
8. Learned APP waives notice for respondent-sole.
9. Call for Record and Proceedings.
10. The appeal be placed before the Court after preparation of Record and Proceedings.

[URMILA JOSHI-PHALKE, J.]

Choulwar