



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

**CRIMINAL APPLICATION (APPA) NO. 232 OF 2024
IN
CRIMINAL APPEAL NO. 124 OF 2024**

DHARMARAJ @ PAPPU S/O VASANTRAO DHORE
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 A. M. Chandekar, Advocate for applicant/appellant.
Ms. Sneha Dhote, A. P. P. for respondent-sole.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 29/02/2024.

1. By this appeal, the appellant has challenged the Judgment and order dated 31/01/2024 passed by the Sessions Judge, Wardha dated 31/01/2024 in Sessions Case No.113/2017 by which the appellant is convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for a term of one year and to pay fine of Rs.20,000/-.

2. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount. He also pointed out that he has various arguable points in the present appeal which are not considered by the Trial Court. Moreover, the punishment is for a limited period. If the sentence is executed, the

appeal will become infructuous and prays for suspension of sentence and releasing the applicant on bail.

3. Learned APP strongly opposed the said application on the ground that the appeal is devoid of merit and is liable to be dismissed. Therefore, application deserves to be rejected.

4. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned Judgment and depositions filed on record. Considering the grounds raised by the applicant and punishment is for a limited period. The submission of the learned counsel is that if the sentence is executed, irreparable loss would be caused to the present applicant. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

i] The application is allowed.

ii] The execution of sentence passed by the Sessions Judge, Wardha dated 31/01/2024 in Sessions Case No.113/2017 is suspended, till disposal of the appeal.

iii] The applicant - **Dharmaraj @ Pappu s/o Vasantrao Dhore** be released on bail on executing PR bond of Rs.15,000/- with one solvent surety of the like amount.

5. The application is disposed of.

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6. Heard.
7. **Admit.**
8. Call for Record and Proceedings.
9. Ms. Sneha Dhote, learned APP waives notice for respondent-State.
10. The appeal be placed before the Court after preparation of the Record and Proceedings.

[URMILA JOSHI-PHALKE, J.]

Choulwar