



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

CRIMINAL APPLICATION (APPA) NO. 426 OF 2024

IN

CRIMINAL APPEAL NO. 234 OF 2024

Rajvir @ Raja S/o. Ranglal Pawar

Vs.

The State of Maharashtra, thr. P.S.O. Sadar Police Station, Dist. Nagpur

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

Court's or Judge's orders

Mr. Saurabh Singha, Advocate for the Applicant/Appellant.
 Ms. R.V. Sharma, APP for the Non-applicant/Respondent.

CORAM : G. A. SANAP, J.

DATED : 21st AUGUST, 2024.

. Heard learned advocate for the appellant/accused and learned APP for the respondent/State. Perused the record and proceedings.

2. The appellant/accused has made this application for suspension of his substantive sentence awarded by the learned Additional Sessions Judge-9, Nagpur, in Sessions Case No.832/2021. The appellant/accused, on conviction, has been sentenced to suffer rigorous imprisonment for six years and to pay a fine of Rs.20,000/- for the offence punishable under Section 379 read with Section 75 of the Indian Penal Code, 1860 (for short, "IPC"), rigorous imprisonment for three months and to pay a fine of Rs.500/- for the offence punishable under Section 447 read with Section 34 of the IPC; rigorous imprisonment for six months and to pay a fine of Rs.500/- along with damages of Rs.20,000/- to be paid to the Forest Department for the offence punishable under Section 26(1)(d)

and (f) of the Indian Forest Act, 1927; rigorous imprisonment for one year and to pay a fine of Rs.1,000/- for the offence punishable under Section 42(2) of the Indian Forest Act and rigorous imprisonment for six months and to pay a fine of Rs.500/- for the offence punishable under Section 21(1) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.

3. It is stated that the co-accused, who have faced the trial with the appellant/accused, have been granted bail by this Court *vide* order dated 29th April, 2024. It is pointed out by the learned advocate for the appellant/accused that, in all respects, this appellant is similarly circumstanced with those co-accused.

4. It is pointed out by the learned APP that the appellant/accused is the habitual offender. There are near about 19 crimes registered against him. Learned advocate for the appellant/accused submitted that the co-accused, who have been granted bail, are also having the criminal antecedents. In my view, keeping in mind the grounds of challenge to the impugned judgment and order and this appellant/accused having undergone half of the sentence awarded by the learned Judge, it would be just and proper to grant this application.

5. Accordingly, the application is **allowed**.

i] The substantive sentence, i.e., rigorous imprisonment for six years for the offence punishable under Section 379 read with Section 75 of the IPC; rigorous imprisonment for three months for the offence punishable under Section 447 read with Section 34 of the IPC; rigorous

imprisonment for six months for the offence punishable under Section 26(1)(d) and (f) of the Indian Forest Act, 1927; rigorous imprisonment for one year for the offence punishable under Section 42(2) of the Indian Forest Act and rigorous imprisonment for six months for the offence punishable under Section 21(1) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, awarded by the learned Additional Sessions Judge-9, Nagpur, in Sessions Case No.832/2021, shall remain suspended during the pendency of this appeal.

ii] Appellant/accused – Rajvir @ Raja S/o. Ranglal Pawar be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

iii] The bail before the trial Court.

6. The application stands disposed of accordingly.

(G. A. SANAP, J.)

Vijay