



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
CRIMINAL APPLICATION (APPA) NO. 695 OF 2024
IN
CRIMINAL APPEAL NO. 394 OF 2024

Akash S/o. Bhimrao Jiwtode **Vs.** State of Maharashtra, thr. PSO, PS Sawangi-Meghe,
 Dist. Wardha.

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

Court's or Judge's orders

Mr. R.R. Vyas, Advocate for the Applicant/Appellant.
 Mr. A.R. Chutke, APP for the Respondent/State.

CORAM : G. A. SANAP, J.
DATED : 14th OCTOBER, 2024.

1. Heard learned advocate for the appellant/accused and learned APP for the non-applicant/State. Perused the record and proceedings.

2. This is an application for suspension of sentence. The appellant, on conviction for the offence punishable under Section 307 of the Indian Penal Code, 1860 (for short, "IPC"), has been sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.40,000/-.

3. Learned advocate for the appellant submits that the appellant has a good case on merits. The independent witness has not supported the case of the prosecution. Learned advocate further submits that the appellant is ready to deposit the fine of Rs.40,000/-. It is submitted that, considering the nature of the offence and the quantum of sentence, it would be just and proper to suspend the substantive sentence.

4. Learned APP submits that the attempt to commit murder of the informant was with the knife. The informant had

sustained three major injuries. It is submitted that the evidence is cogent, concrete, and reliable.

5. The appellant has undergone 15 months imprisonment. The appeal may take its own time for final adjudication. The appellant is ready to deposit the fine amount. In my view, considering the term of sentence awarded in this case, it would be just and proper to grant this application for suspension of substantive sentence. Hence, the following order:

6. The application is **allowed**.

i] The substantive sentence, i.e., rigorous imprisonment for 5 years for the offence punishable under Section 307 of the IPC, awarded by the learned Additional Sessions Judge, Wardha in Sessions Case No.52/2017, shall remain suspended during the pendency of the appeal.

ii] Applicant/accused – **Akash s/o. Bhimrao Jiwtode** 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 fine amount be deposited within two weeks from the date of the release of the appellant from jail.

iv] The bail before the Trial Court.

7. The application stands disposed of accordingly.

(G. A. SANAP, J.)