



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

CRIMINAL APPLICATION NO.1005 OF 2024

IN

CRIMINAL APPEAL NO.572 OF 2024

(Shri Suryakant @ Shrikant s/o Arun Vyas Vs. 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

Mr. H. Dangre, Advocate for the appellant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 14, 2024.

Leave is granted to the appellant to correct the provisions mentioned in the application as well as in the appeal.

2. By this application, the appellant is seeking suspension of sentence and releasing him on bail.

3. The appellant was prosecuted of the offence punishable under Sections 307, 353, 333, 224 of the Indian Penal Code. After trial the appellant is held guilty of the offence punishable under Sections 353 and sentenced to suffer simple imprisonment of two years and to pay fine of Rs.5000/- in default to suffer SI for five months, for the offence punishable under Section 224 of the IPC sentenced to suffer S.I. for two year and to pay fine of Rs.4000/- in default SI for four months and of the offence punishable under Section 323 of the IPC

sentenced to suffer SI for one year and to pay fine of Rs.1000/- in default to suffer SI for one month.

4. Learned Counsel for the appellant submitted that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, he be released on bail and the execution of sentenced be suspended.

5. Learned APP strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties and perused the order passed by the Additional Sessions Judge, Nagpur from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed 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 :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 14/08/2024 passed by the

Additional Sessions Judge, Nagpur in Sessions Trial No.26/2017 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Shri Suryakant @ Shrikant s/o Arun Vyas be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

7. The application stands disposed of.

CRIMINAL APPEAL NO.572 OF 2024

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)