



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

CRIMINAL APPLICATION (APPA) NO. 1017 OF 2024 IN
CRIMINAL APPEAL NO. 585 OF 2024

Dilip s/o Jaggnath Rewatkar 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

Ms. F.N. Haindari, counsel for the applicant/appellant.

Mr. Nitin Autkar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/10/2024.

1. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail.

2. Learned counsel for the appellant submitted that, appellant was prosecuted of the offence punishable under Section 186, 353, 332, 294 of the Indian Penal Code, 1860; and Section 110 read with Section 117 of the Maharashtra Police Act. The maximum punishment imposed is imprisonment of two years and to pay fine of Rs. 1,500/-, in default, undergo rigorous imprisonment for a period three months.

3. Learned counsel for the applicant further pointed out from the impugned judgment that the learned trial Court has not considered the evidence in proper perspective and he has many arguable points in the present appeal, but the appeal would take its own time for its final decision. In

the meantime, if the sentence is executed, the appeal would become infructuous.

4. The learned APP strongly opposed the present application on the ground that the appeal itself is devoid of merits and liable to be dismissed.

5. Having heard the learned counsel for the applicant and the learned APP, perused the impugned judgment. Considering the fact that a limited period sentence is imposed on the present applicant as well as the appeal would take its own time for its final decision, and in the meantime, if the sentence is executed, the appeal would become infructuous. Moreover, the applicant has also made out the arguable points, which can be considered while considering the appeal. In view of that, the execution of sentence deserves to be suspended.

6. In view of that, I proceed to pass following order:

- (i) The execution of sentence imposed in Sessions Case No. 188/2019 is hereby suspended till disposal of the appeal.
- (ii) The applicant shall be released on bail on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

7. The criminal application (APPA) No. 1017/2024 is disposed of.

CRIMINAL APPEAL NO. 585/2024

1. Heard.
2. **Admit.**
3. Learned Additional Public Prosecutor waives service of notice on behalf of respondent.
4. Call for record and proceedings.
5. Appeal be listed before this Court after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]