



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

CRIMINAL REVISION APPLICATION NO.117 OF 2024

Anupkumar s/o Papalal Kanojia

(Vs.)

The State of Maharashtra, through its PSO, PS, Kamptee Dist. Nagpur

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

Court's or Judge's orders.

Ms Punam Pisurde, Advocate for the applicant.

Mrs. Hemlata Dhande, APP for non-applicant /State.

CORAM : G.A. SANAP, J.

DATE : 03.08.2024

Heard.

2. Issue notice to the non-applicant,
returnable within four weeks.

3. Learned APP waives service of notice on
behalf of non-applicant/State.

CRIMINAL APPLI. (APPR) NO.153/2024

1. Heard.

2. This is an application for suspension of
sentence.

3. Learned Advocate for the applicant
submits that the accused has deposited the fine
amount of Rs.5,000/-. It is also pointed out that
learned Additional Sessions Judge vide order dated

09.07.2024 was pleased to suspend the substantive sentence.

4. In my view, this order passed by the Additional Sessions Judge is not in accordance with law. After dismissal of the appeal against the conviction and sentence, the learned Additional Sessions Judge has no power to suspend the sentence by invoking the provisions of Section of 389 of Cr.P.C.

5. Be that as it may learned Additional Sessions Judge has suspended the sentence. The grounds of the challenge to the judgment and order have been set out in the revision application. As such the application for suspension of sentence is allowed.

6. The substantive sentence shall remain suspended on the same terms and conditions as ordered by learned Additional Sessions Judge vide order dated 09.07.2024, till disposal of the revision.

7. The copy of this order be forwarded to the concerned Judge and also to the Principal District and Sessions Judge, Nagpur. It is noticed

that after dismissal of appeal against the conviction and sentence, the sentence is routinely suspended. In the opinion of this Court after the dismissal of the appeal against conviction and sentence, the Appellate Court has no power and jurisdiction to suspend the sentence.

8. In view of the above, application (APPR) stands disposed of.

JUDGE