



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**909 CRIMINAL APPLICATION NO. 4101 OF 2024
IN APPEAL/490/2025**

Chagan Baban Gore
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Kanade Angad Lala
APP for Respondents-State: Mr. N. D. Batule
...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 16, 2025.

PER COURT :-

1. The present application has been filed by the original accused for suspension of the substantive sentence imposed upon him in Sessions Case No. 77/2022, dated 02/05/2024, by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar.

2. The applicant has been convicted and sentenced as follows : -

"1] The accused Chagan Baban Gore, is hereby held guilty for the offence punishable under Section 304(II) of the Indian Penal Code.

2] The accused Chagan Baban Gore, is hereby convicted under Section 235(2) of the Code of Criminal Procedure for the offence punishable under Section 304(II) of Indian Penal Code is sentenced to suffer Rigorous Imprisonment for Nine years and to pay fine of Rs.50,000/- (Rs. Fifty Thousand only), in default to suffer simple imprisonment for two years....."

3. Heard both sides.

4. The learned Counsel for the applicant submits that the Trial Court convicted the applicant under Section 304(II) of the IPC, having regard to the observations recorded in paragraphs 24 and 25 of the judgment. It is

submitted that even on a plain reading of the judgment, the conviction is based on a case that could at best fall under Section 325 of the IPC.

5. It is further submitted that the applicant has undergone more than three years and four months of incarceration. Therefore, considering the period of sentence already undergone, the pendency of the appeal, and the overall circumstances, the applicant prays for suspension of sentence during the pendency of the appeal.

6. Having regard to the submissions made and considering that the appeal is not likely to be heard in the immediate future, this Court is of the view that the substantive sentence imposed on the applicant deserves to be suspended, subject to conditions.

ORDER

- 1) The application is allowed, subject to the condition that the applicant shall deposit the fine amount before the Trial Court, if the same has not already been deposited.
- 2) The substantive sentence imposed on the applicant in Sessions Case No. 77/2022 by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, is hereby suspended till the final hearing and disposal of Criminal Appeal No.490/2025.
- 3) The applicant shall be released on bail on furnishing a Personal Bond of Rs.30,000/- (Rupees Thirty Thousand only)

with two solvent sureties of Rs.15,000/- each (Rupees Fifteen Thousand only), to the satisfaction of the Trial Court.

4) The applicant shall not commit any criminal offence during the pendency of the appeal.

5) Bail to be furnished before the Trial Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.