



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL APPLICATION NO. 3667 OF 2025
IN APEAL/714/2025
WITH
CRIMINAL APPEAL NO. 714 OF 2025

GANESH JANARDHAN KORDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms Shikpa Aurangabadkar h/f Mr. Satej S.
Jadhav

APP for Respondents/State : Ms V. S. Chaudhari

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CORAM : ABHAY J. MANTRI, J.
DATE : 29.09.2025.

PER COURT :

1. The applicants have moved this application for suspension of substantive sentence, dated 11.09.2025, passed by the learned Special Judge, Ahmednagar in a Special Case No. 282 of 2018, whereby, convicting them for the offence punishable under Section 326 read with Section 149 of the Indian Penal Code and other offences and sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs. 3,000/- each.

2. The learned advocate for the applicants submits that during the pendency of the trial, the applicants were on bail, and after the passing of the conviction order, they were released on bail. The applicants have deposited the fine amount in the court. She further

submits that the sentence awarded is a short-term sentence, and the normal rule is to release the appellant, and the remaining sentence would be suspended, and not to release is by way of an exception.

3. To buttress his submission, she relied upon the judgments in *Kiran Kumar Vs. State of M.P.- Criminal Appeal No. 725 of 2000 decided on 28.08.2000* and *Bhagwan Rama Shinde Gosai and Ors. Vs. State of Gujarat – Criminal Appeal No. 554 of 1999 decided on 12.05.1999* and therefore, urged for suspension of sentence and to release the applicant on bail.

4. On the contrary, the learned APP strongly opposed the application, contending that though the punishment awarded was 3 years, the record indicates that the applicant caused a fracture to the victim. Therefore, she submitted that it is not a fit case to suspend the sentence; as such, she opposes the grant of the application. However, she submitted that if this Court is inclined to allow the application, then stringent conditions may be imposed while suspending the sentence.

5. Considering the above submissions and perusing the record, it appears the applicants were on bail during the trial. After the conviction order was passed on 11.09.2025, they were released on bail by executing PB and SB of Rs. 50,000/-. The applicants have deposited the fine amount in the court.

6. It also appears that the learned Trial Court awarded a sentence of 3 years; therefore, having considered the said fact and the

dictum laid down in the above-cited judgments, I am of the view that the sentence passed on the appellant could be suspended on some stringent conditions. As such, I pass the following order :

ORDER

- i) The application is allowed in terms of the prayer Clause (B).
- ii) The applicants are directed to furnish PB and SB of Rs. 1,00,000/- (One Lakh) each, before the learned Trial Court by 10.10.2025, failing which a necessary order will be passed.
- iii) The application stands disposed of.

ORDER IN APPEAL :

- 1. Heard. Issue notice to the respondents, returnable on 10.11.2025.
- 2. Learned APP waives service of notice for respondents/State.
- 3. Call for record and proceedings.
- 4. List the appeal on 13.10.2025.

(ABHAY J. MANTRI, J.)

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