

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL INTERIM APPLICATION NO. 2712 OF 2025
IN
CRIMINAL APPEAL NO. 759 OF 2025**

1. Pavan @ Bhura Ramdas Arya (Khatik) Applicants
2. Manojkumar Thakurdas Arya (Khatik)

Versus

The State of Maharashtra Respondent

Mr. Ritesh Thobde a/w Mr. Changdev Shingade and Mr. Darshan Singh Rajpurohit, Advocate for the Applicant.

Ms. Priyanka S. Rane, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2025.

P.C. :

1. Heard learned counsel for the Applicants and learned APP for the Respondent – State.
2. Learned counsel for the Applicant seeks leave to amend.
Leave granted.
3. Amendment to be carried out forthwith.
4. By this application, the Applicants are seeking suspension of sentence imposed on them by the learned Additional Sessions Judge,

Barshi in Sessions Case No.260 of 2023.

5. The Applicant No.1 / Accused No.1 Pavan @ Bhura Ramdas Arya (Khatik) is convicted for the offences punishable under Section 454 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") and sentenced to suffer Rigorous Imprisonment (for short, "RI") of five years and pay fine of Rs.2,000/- and in default of fine he shall suffer Simple Imprisonment (for short "SI") for one month. He further convicted for offence punishable under Section 380 read with Section 34 of the IPC and sentenced to suffer RI of five years and pay fine of Rs.2,000/- and in default of fine he shall suffer SI for one month. He further convicted under Section 75 of the IPC and sentenced to suffer RI of 7 years and pay fine of Rs.5,000/- in default of fine shall suffer SI for two months.

The Applicant No.2/Accused No.2 is convicted for the offence punishable under Section 380 read with Section 34 of the IPC and sentenced to suffer for RI for five years and pay fine of Rs.2,000/- in default of fine shall suffer SI for one month. He is also convicted for the offence punishable under Section 454 read with section 34 of the IPC and sentenced to suffer RI for five years and pay fine of Rs.2,000/- in default SI for one month.

6. It is contention of learned counsel for the Applicants that both the Applicants are behind bars from 19th April, 2023. During the trial, they were behind bar. Learned counsel further submitted that there is discrepancy in respect of recovery of stolen articles, but this fact is not considered by the Trial Court, and requested to allow the application.

7. It is contention of learned APP that the Applicants had made theft of the gold ornaments from the house of the first informant. The stolen articles are recovered at the instance of the Applicants. If the Applicants are released on bail, they may abscond. Hence requested to reject the application.

8. I have heard both learned counsel, perused impugned judgment and order.

9. The maximum punishment imposed on the Applicant No.1 is 7 years and Applicant No.2 is five years. Out of that, both are behind bars for more than two years and six months. It appears from record that as per the complaint of the first informant, the golden Bormal of 5gm was stolen whereas police has recovered golden Bormal of 7gm. The Trial Court has not considered discrepancy in recovery of this item. As the Applicants have undergone around half

of the sentence period, I pass following order:

ORDER

- i. The Application is allowed.
- ii. The substantive sentence imposed on the Applicants in Sessions Case No.260 of 2023, by order dated 20th May, 2025 passed by the learned Additional Sessions Judge, Barshi is suspended till final disposal fo the appeal.
- iii. The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- . The Application stands disposed off.

(SHIVKUMAR DIGE, J.)