

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

INTERIM APPLICATION NO. 3620 OF 2025
IN
CRIMINAL APPEAL NO. 704 OF 2025

Shakti Subhash Pawar ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarda, Advocate for Applicant.

Mr. Nitin B. Patil, APP for the respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 5th DECEMBER 2025

PC.

1. By this application, the applicant is seeking suspension of sentence imposed on him vide order dated 27th March 2025 by the learned Additional Sessions Judge, Solapur, in Sessions Case No. 281 of 2022 whereby, the applicant has been convicted for the offences punishable under Section 395 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years and fine of Rs. 5000/- and in default to suffer further simple imprisonment for one year.

2. It is the contention of learned counsel for applicant that applicant is behind bar for more than 2 years and 4 months out of 10 years of imprisonment. No test identification parade of the applicant

was conducted as the offence was registered against the unknown persons. But this fact is not considered by the Trial Court. It may take time to dispose of the appeal. Hence, requested to allow the application.

3. It is the contention of learned APP that the applicant is a habitual offender. He has 6 antecedents. The prosecution has proved the case beyond the reasonable doubt. The issue of test identification parade is considered by the Trial Court and after considering that issue, the applicant has been convicted. Hence, requested to reject the application.

4. I have heard both learned counsel, perused the impugned Judgment and Order. The F.I.R. was lodged against unknown persons. In investigation, the applicant was arrested but the test identification parade was not conducted. This fact is not considered by the learned Trial Court. Moreover, applicant is behind bar for more than 2 years and 6 months. It may take time to dispose off the appeal.

5. In view of above, I pass the following order:

ORDER

(i) The application is allowed.

(ii) The substantive sentence of imprisonment awarded to the applicant by the learned Additional Sessions Judge, Solapur, in Sessions Case No. 281 of 2022 is hereby suspended pending disposal of appeal.

(iii) The applicant be enlarged on bail on furnishing PR bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.

(iv) The bail bonds to be furnished before the learned Additional Sessions Judge, Solapur.

6. The application is disposed of in above terms.
7. All concerned to act on authenticated copy of this order.

(SHIVKUMAR DIGE, J.)