IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4804 OF 2025
IN
CRIMINAL APPEAL NO. 79 OF 2022

Tatyasaheb Jagannath Mane ...Applicant
V/s.
The State of Maharashtra ...Respondent

Sr. Adv. Mr. Girish Kulkarni, a/w Mr. Abhishek Kanchikar, Mr. Sujay Shingade, Mr. Mayur Tamore, Mr. Himanshu Indise i/b Adv. Pravada Raut, Advocate for the Applicant.
Mr. V. N. Sagare, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 24.12.2025.

P.C. :

1. By this application the applicant seeks suspension/stay of conviction during the pendency of the Criminal Appeal No. 79 of 2022 filed by him and other co-accused against the judgment and order dated 10.12.2021 passed by the Additional Sessions Judge in Sessions Case No. 458 of 2019 by which the learned Additional Sessions Judge has convicted the present applicant along with other co-accused for the offence punishable under Section 332 read with 34 of the Indian Penal Code and sentenced them to suffer rigorous imprisonment for two years and to pay a fine of Rs.50,000/- each and in default of payment of fine, they are further directed to suffer rigorous imprisonment for six months. They are further convicted for the offence punishable under

Section 353 read with 34 of the Indian Penal Code and sentenced them to suffer rigorous imprisonment for two years and to pay a fine of Rs.50,000/- each and in default of payment of fine, they are directed to suffer rigorous imprisonment for six months.

2. I have heard the learned senior counsel for the applicant and the learned counsel for the respondent/State.

3. The learned senior counsel for the applicant submits that the applicant intends to contest the Municipal Corporation Election. It is submitted that by order dated 21.10.2024 in Interim Application No. 2966 of 2024, this Court has suspended the conviction of one of the appellants in the present appeal, namely Sadanand Tharwal, against whom similar allegations are made.

4. Learned senior counsel for the applicant submits that the Hon'ble Supreme Court in the case of ***Chandrakant Vs. State of Maharashtra***[1]. has held that if the conviction of one of the co-accused is suspended then the other co-accused are entitled to the same treatment.

5. On the other hand, the learned APP for the respondent-State submits that considering the nature of crime i.e. the assault on public servant, the conviction may not be suspended.

6. I have perused the order dated 21.10.2024 passed by this Court in Interim Application No.2966 of 2024. Paragraph No.8

1 S.L.P(Criminal) 1360 of 2022 along with connected appeal decided on 15.12.2022.

of the said order reads thus :

> *"8. Considering evidence on record, I am inclined to allow the application. The applicant wants to contest the Assembly Election. Surely, grant of stay to conviction is not, by way of right, or it is not a rule, but it has to be resorted in rarest of rare case and since the applicant has made out one such case, on appreciating the evidence placed on record before the trial Court, the applicant is entitled for suspension of conviction imposed upon him."*

7. The Hon'ble Supreme Court, in the case of *Chandrakant vs. State of Maharashtra* (supra), has observed thus:

> *"However, it is to be noted that in the case of co-accused against whom similar allegations are being made, the Division Bench of the same High Court by judgment and order dated 27.01.2020 has allowed the application and suspended the conviction.*
>
> *Though, Mr. Siddharth Dharmadhikari, learned counsel appearing for the State of Maharashtra has vehemently opposed the appeal(s), we find that the present appellant(s) are also entitled to the same treatment as granted to the co-accused by the High Court vide order dated 27.01.2020".*

8. In view of the order passed by this Court dated 21.10.2024, I am inclined to allow the present application. In the result, the following order is passed :

O R D E R

a) The Application is allowed.

b) The judgment and order dated 10.12.2021 passed by the Additional Sessions Judge in Sessions Case No. 458 of 2019 convicting the applicant is hereby suspended/stayed during the pendency of the appeal.

d) The Interim Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]