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Uday S. Jagtap

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

**INTERIM APPLICATION NO. 5381 OF 2024
IN
APPEAL NO. 1356 OF 2024**

Nikesh Chandrakant Patil & Ors. .. Applicants

Vs.

The State of Maharashtra .. Respondent

....

Ms. Saili N. Dhuru for the applicants

Ms. Anamika Malhotra, APP for the respondent – State

....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 11th FEBRUARY, 2025.

P.C.

1. The applicants herein pray for suspension of execution of the sentences awarded by the Additional Sessions Judge, Raigad at Alibaug in Sessions Case No. 86 of 2019 in which they have been convicted of the offences under Sections 143, 147, 353 r/w 149, 427 r/w 149 of the Indian Penal Code and under Sections 3 r/w 4 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010 as well as under Section 37(3) for the offence punishable under Section 135 of the

Maharashtra Police Act. The substantive sentences which were directed to be undergone concurrently are 3 months only.

2. The Additional Sessions Judge by an order dated 25.11.2024 in a cryptic manner suspended the sentences *inter alia* directing the applicants to release on furnishing surety of Rs.15,000/- each and personal amount of like amount. The manner in which the order has been hand written in a haphazard manner wherein even the signature of the Additional Sessions Judge is not clear and so also his name.

3. The Registry is directed to bring it to the notice of the concerned Judge. The learned Judge should be careful in future while passing orders under Section 389 of the Cr.P.C. or for any other orders, ensuring that the signature is made in full with name of the Judge beneath. Be that as it may.

4. Since the applicants have already been released during the pendency of the appeal by suspending the execution of the sentences and as the appeal may not be heard in near future, the

execution of sentences will continue to be under suspension till the appeal is disposed of on furnishing a fresh bond of the same amount before the trial Court.

5. The application is disposed of.

6. A copy of this order be sent to the Additional Sessions Judge.

(PRITHVIRAJ K. CHAVAN, J.)