

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 47 OF 2025

IN

CRIMINAL APPEAL NO. 7 OF 2025

1 Mohan Pundlik Ushir

2 Sanjay Bapu Patil

... Applicants

Versus

State of Maharashtra

... Respondent

.....

Mr. M. N. Kasliwal i/b. Mr. Rahul Kasliwal, Advocate for the Applicants.

Mr. Sameer M. Mangaonkar, APP for the State.

PSI – P. A. Nemane, Panchawati Police Station present.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 4th MARCH, 2025.

P. C. :

1. By this application, applicants are seeking suspension of sentence.
2. It is contention of learned counsel for the applicants that the applicants have been convicted for offence punishable under Section 235(2) of the Code of Criminal Procedure, 1973 (“Cr.P.C.”) for the offence punishable under Section 353 r/w. 34 of Indian Penal Code (“IPC”) and thereby sentenced to suffer simple imprisonment for three months and to pay fine of Rs.5,000/- each; in default of payment of fine to suffer simple imprisonment for one month.

The applicants have been convicted as per the provisions of Section

235(2) of the Cr.P.C. for the offence punishable under Section 332 r/w. 34 of IPC and thereby sentenced to simple imprisonment for three months and to pay fine of Rs.5,000/- each, in default of payment of fine they shall suffer simple imprisonment for one month.

The applicants have been convicted as per the provisions of Section 235(2) of Cr.P.C. for the offence punishable under Section 323 r/w. 34 of IPC and thereby sentenced to simple imprisonment for one month and to pay fine of Rs.1000/- each, in default of payment of fine they shall suffer simple imprisonment for two weeks.

The applicants have been convicted as per the provisions of Section 235(2) of Cr.P.C. for the offence punishable under Section 427 r/w. 34 of IPC and thereby sentenced to simple imprisonment for one month and to pay fine of Rs.1,000/- each, in default of payment of fine they shall suffer simple imprisonment for two weeks.

The applicants are acquitted as per the provisions of Section 235(1) of the Cr.P.C. for the offence punishable under Section 336, 427, 504, 143 147 r/w. 149 of IPC. The learned Sessions Court has suspended the sentence during the appeal period and has granted interim bail to the applicants.

3. Learned APP strongly objected to allow the application.
4. I have heard both the learned counsel. The sentence imposed on the

applicants is short term sentence. During the trial applicants are on bail. They have not misused the liberty. It may take time to dispose of the appeal. Considering these facts, I pass following order.

ORDER

- (i) The sentence imposed on the applicants are hereby suspended till disposal of the appeal, subject to the applicant furnishing P.R. bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount.
- (ii) The bail bonds to be furnished before the learned Sessions Judge.
- (iii) The Criminal Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)