



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.158 OF 2025
IN
CRIMINAL APPEAL NO.91 OF 2025

Suresh s/o Sadashiv Lanjewar and another
Vs.
State of Maharashtra, through Officer In-Charge of Police Station,
Duggipar, District Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Chandekar, Counsel for the applicants.
Ms. Ritu Sharma APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/02/2025

1. By this application, the applicants are seeking suspension of sentence and releasing them on bail.

2. The applicants were prosecuted for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. The allegation against the present appellants was that on 26.06.2017 in the evening, a meeting of Tanta Mukti Samiti of Heti village was held for removing the encroachments on the government land and the resolution was passed, and thereafter, in the said meeting, there was an altercation of the words and out of that the injured was assaulted by the present appellants. After the recording of the evidence and

after appreciation of the same, the learned Sessions Court held the appellants guilty of the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years each and fine of Rs.5000/- each, in default of payment of fine amount, rigorous imprisonment for four months each.

3. Being aggrieved and dissatisfied with the same, the present appeal is preferred.

4. Heard learned Counsel for the applicants who submitted that the applicants have many chances of success in the present appeal. Moreover, the punishment imposed is of a limited period. The appeal would take its own time for its final disposal. In the meantime, if the sentence is executed the preference of the appeal would become infructuous. In view of that, the execution of the sentence be suspended and the applicants be released on bail.

5. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

6. After hearing both sides and on perusal of the impugned judgment as well as evidence on record, it reveals from the said that the applicants have made out a case that they have many arguable

points in the present appeal, however, the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed the preference of the appeal would become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence passed in Sessions Trial No.90/2017 is hereby suspended.
- (iii) The applicants No.(1) **Suresh s/o Sadashiv Lanjewar** and (2) **Manik S/o Suresh Lanjewar** shall be released on bail on executing PR Bond of Rs.25,000/- each with one solvent surety of the like amount.

Application is disposed of.

CRIMINAL APPEAL NO.91 OF 2025

- (1) Heard.
- (2) **Admit.**
- (3) Learned APP waives notice for the State.
- (4) Call for record and proceedings.
- (5) Appeal be listed after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)