



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.252 OF 2025

IN

CRIMINAL APPEAL NO.135 OF 2025

(Omprakash @ Ballya s/o Ambadas Madankar and anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, Advocate for the appellants.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 12, 2025.

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

2. Learned Counsel for the appellants submitted that the appellants are convicted of the offence punishable under Section 498-A of the IPC and sentenced to suffer simple imprisonment for two years and fine of Rs.5000/- in default to undergo simple imprisonment for three months. They are further convicted of the offence punishable under Section 306 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/- in default to suffer simple imprisonment for three months. From the impugned judgment he pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. The appellants were on bail during the trial. Moreover, the

punishment imposed is of a limited period. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, the execution of sentenced be suspended.

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

4. I have heard learned Counsel for both the parties and perused the impugned judgment from which learned Counsel for the appellants has pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. Considering the limited punishment imposed and fine amount is already paid, the execution of sentence deserves to be suspended. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 28/02/2025 passed by the Additional Sessions Judge, Nagpur in Sessions Case No.280/2020 is hereby suspended till final disposal of the appeal.

(iii) The appellants – 1) Omprakash @ Ballya s/o Ambadas Madankar and 2) Sau.

Gangabai w/o Ambadas Madankar be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) each with one surety each, in the like amount.

5. The application stands disposed of.

CRIMINAL APPEAL NO.135 OF 2025

Heard.

2. **ADMIT.**
3. Learned APP waives notice for the State.
4. Call for R. & P.
5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)