



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

CRIMINAL APPLICATION (APPA) NO. 312 OF 2024 IN
CRIMINAL APPEAL NO. 118 OF 2024

Suresh S/O. Kashiram Ambhore 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. Y.K. Wadghare, counsel for applicant/appellant.
Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/01/2025.

1. By preferring this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.

2. The appellant was prosecuted for the offence punishable under Sections 307, 452, 326, 504, and 323 of the Indian Penal Code, 1860, on an allegation that on 31/08/2012, at about 6:30 p.m., when P.W.-1 Shamsher Khan was proceeding towards his house, at that time, he was assaulted, and he has sustained the grievous injuries. On the basis of the said report, police have registered the crime, and the investigation was carried out. During trial, the Sessions Court considered the entire evidence and held the present appellant guilty under Section 326 and sentenced him to suffer R.I. of five years and fine of Rs. 1,000/-, in default, he shall undergo R.I. for two months.

3. Learned counsel for the appellant submitted that the appellant has already undergone two and half years of the sentence, and the appeal would take its own time for its final disposal. If the sentence is undergone by the present appellant, the appeal would become infructuous. In view of that, the sentence be suspended.

4. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits and liable to be dismissed. Hence, the application deserves to be rejected.

5. After hearing learned counsel for the appellant and learned APP for the State, perused the impugned judgment, from which the appellant has pointed out many arguable points in the present appeal and submitted that the appellant has every chance of success in the present appeal. The appellant has already undergone two and half years of the sentence. In view of that, the sentence is suspended.

Considering the submission made by the learned counsel for the appellant and on perusal of the impugned judgment and evidence on record, it shows that limited punishment is imposed and the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal would become infructuous. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a. Application is **allowed**.
- b. The execution of the sentence passed in Session Case No. 87/2012 is hereby suspended till disposal of the appeal.
- c. The appellant shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

6.. The criminal application (APPA) No. 312 of 2024 is **disposed of**.

CRIMINAL APPEAL NO. 118 OF 2024

1. Record and Proceedings is already received.
2. Appeal be listed for final disposal after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]