



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

CRIMINAL APPLICATION (APPA) NO.272 OF 2025
IN
CRIMINAL APPEAL NO.224 OF 2024

Rashtrapal s/o Rajaram Wankhade

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Khadan, Akola, District Akola

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

Court's or Judge's orders

Mr. S. G. Karmarkar, Counsel for the appellant.

Mr. M. K. Pathan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/03/2025

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

2. The appellant was arraigned as an accused and prosecuted for the offence punishable under Sections 394 and 307 of the Indian Penal Code. On appreciation of the evidence, learned trial Court held him guilty for the offence punishable under Section 394 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and fine of Rs.2500/-, in default of payment of fine, simple imprisonment for one month. He is further convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of seven years and to pay fine of

Rs.2500/- in default of payment of fine, simple imprisonment for one month.

3. Heard learned Counsel for the appellant, who submitted that the appellant has already undergone five years of imprisonment. The punishment is of a limited period. The appeal would take its own time for its final disposal. In the meantime, if he undergoes the entire statement, the appeal would become infructuous.

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

5. On hearing both sides and on perusal of the impugned judgment, it reveals that learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period. He has already undergone five years of the imprisonment. Considering the submission made by the learned Counsel for the appellant that if he undergoes the entire statement, 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.

(3)

924.appa.272.2025

(ii) The execution of sentence passed in Session Trial No.124/2011 is hereby suspended, till disposal of the appeal.

(iii) The appellant **Rashtrapal s/o Rajaram Wankhade** shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

The application is disposed of.

CRIMINAL APPEAL NO.224 OF 2024

The appeal be listed for final disposal after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)