



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

CRIMINAL APPLICATION (APPA) NO.279 OF 2025
IN
CRIMINAL APPEAL NO.148 OF 2025

Mukaru Motiram Kumbhare

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Pauni
District Bhandara

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

Court's or Judge's orders

Mr. V. D. Muley, Counsel for the appellant.
Ms. Swati Kolhe, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/03/2025

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

2. Heard learned Counsel for the appellant, who submitted that the appellant is convicted for the offence punishable under Sections 323 and 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 6 months and fine of Rs.500/-, in default payment of fine to suffer simple imprisonment for one month for the offence punishable under Section 323 of the Indian Penal Code and the similar punishment is imposed for the offence punishable under Section 506 of the Indian Penal Code. He submitted that limited period punishment is imposed. The appeal would take its own time for its final disposal. In the meantime, if

sentence is executed, the appeal would become infructuous.

3. Learned APP strongly opposed for the same on the ground that the appeal itself is devoid of merits.

4. After hearing both sides and on perusal of the impugned judgment, it reveals that the appellant has pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period. In the meantime, if sentence is executed, 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 sentence passed in Sessions Trial Case No.47/2020 is hereby suspended till disposal of the appeal.

(iii) The appellant shall be released on bail on executing PR Bond in the sum of Rs.15,000/- with one solvent surety of the like amount.

The application is disposed of.

CRIMINAL APPEAL NO.148 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 receipt of the record and proceedings and after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)