



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

CRIMINAL APPLICATION (APPA) NO. 297 OF 2025 IN
CRIMINAL APPEAL NO. 158 OF 2025

Kartik s/o Diwakar Bude 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. Mahesh Rai, counsel for applicant/appellant.
Mrs. Sneha Dhote, APP for Respondent/State.

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

1. By preferring this application, the appellant is seeking suspension of sentence and releasing him on bail.
2. The Additional Sessions Judge, Court No. 2, Hinganghat, District Wardha, held that the present appellant is guilty for the offence punishable under Section 353 and sentenced him to suffer rigorous imprisonment for three years and pay fine of Rs. 5,000/- of the offence punishable under Section 353 and one year rigorous imprisonment and fine of Rs. 3,000/- of the offence punishable under Section 332 of the Indian Penal Code, 1860.
3. Being aggrieved and dissatisfied with the same, the present appeal is preferred.
4. Learned counsel for the appellant submitted that the punishment imposed is of a limited period. In the meantime, if the sentence is executed, the appeal would

become infructuous as the appeal would take its own time for its final disposal. In view of that, the execution of the sentence be suspended.

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

6. On hearing both sides and on perusal of the impugned judgment, from which learned counsel pointed out that he has many arguable points. Moreover, the punishment is of limited period. 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 application 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. 13/2021 is hereby suspended till disposal of the appeal.
 - c. The appellant shall be released on bail on executing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
7. The criminal application (APPA) No. 297 of 2025 is **disposed of**.

CRIMINAL APPEAL NO. 158 OF 2025

1. Heard.
2. **Admit**
3. Learned APP waives service of notice on behalf of respondent/State.
4. Call for record and proceedings.
5. Appeal be listed before this Court after preparation of the paper-book.

[URMILA JOSHI-PHALKE, J.]