



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

CRIMINAL APPLICATION (APPA) NO. 324 OF 2025 IN
CRIMINAL APPEAL NO. 171 OF 2025

Sonu @ Shaikh Juber Sk. Yusuf 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. A.M. Sharma, counsel for appellant/applicant.

Mr. V.A.Thakre, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2025.

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

2. The appellant is convicted by Additional Sessions Judge, Akola, in connection with crime No. 125/2016 registered with Police Station Mana, Tq. Murtizapur, District Akola, for the offence punishable under Sections 323, 353 and 354 of the Indian Penal Code, 1860. On appreciating the evidence, the learned Sessions Judge has held the appellant guilty of the offence punishable under Section 354 and sentenced him to suffer rigorous imprisonment for one year and to pay fine of Rs. 15,000/- in default to suffer simple imprisonment of two months. He was also sentenced to suffer simple imprisonment for three months and fine of Rs. 500/- in default to suffer simple imprisonment for 15 days for the offence punishable under Section 323 of the Indian Penal Code, 1860.

3. Heard learned counsel for the appellant, who submitted that the punishment imposed is of a 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 execution of the sentence be suspended.

4. The learned APP strongly opposed the said application and submitted that the appeal itself is devoid of merit.

5. On hearing both sides and on perusal of the impugned judgment, from which the learned counsel has pointed out that he has many arguable points. Moreover, the punishment imposed is of a limited period. In the meantime, if the sentence is executed, the appeal would become infructuous. In view of that, prayer for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The execution of the sentence passed in Sessions Trial Case No. 08/2021 is hereby suspended till disposal of the criminal appeal.
- c] The appellant shall be released on bail on executing P.R. Bond of Rs. 25,000/- with one surety of like amount.

6. The criminal application (APPA) No. 324/2025 is disposed of.

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

[URMILA JOSHI-PHALKE, J.]