



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

CRIMINAL APPLICATION (APPA) NO. 417 OF 2025 IN
CRIMINAL APPEAL NO. 233 OF 2025

Nandkishor Bhikamchand Rathi 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. M.V. Maniyar, counsel for applicant.
APP for the State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/05/2025.

1. By preferring this application, the applicant is seeking suspension of sentence and releasing him on bail.
2. The appellant is convicted of the offence punishable under under Section 7(1) (a) (ii) of the Essential Commodities Act read with Clause 19(i)(a) of Fertilizer Control Order, 1985. The learned trial Court has held him guilty and sentenced him to suffer simple imprisonment for two years and to pay fine of Rs. 10,000/-, in default to pay fine, to undergo additional simple imprisonment for three months.
3. Being aggrieved and dissatisfied with the same, the present appeal is preferred by the appellant.
4. Heard learned counsel for the appellant, who submitted that the appellant is not a manufacturer of the said fertilizers. He has received the same from the other

manufacturer. Learned trial Court has not considered the same and held him guilty. The fine amount, he has already paid. From the impugned judgment, he has also pointed out that he has many arguable points in the present appeal, 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 execution of the sentence be suspended.

5. The learned APP strongly opposed the said application and submitted 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 the learned counsel for the appellant has pointed out that he has many arguable points. The fine amount is already deposited. 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 E.C. Act. Spl. C. No. 01/2015 is hereby suspended till disposal of the appeal.

c] The appellant shall be released on bail on executing P.R. Bond of Rs. 15,000/- with one surety of like amount.

7. The criminal application (APPA) No. 417/2025 is disposed of.

CRIMINAL APPEAL NO. 233 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 for final disposal after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]