



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.430 OF 2025

IN

CRIMINAL APPEAL NO.239 OF 2025

(P.V. Deshmukh Vs. The State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Ghate, Advocate for the appellant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 6, 2025.

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

2. Learned Counsel for the appellant submitted that the appellant was prosecuted of the offence punishable under Section 7(1)(a)(ii) of the Essential Commodities Act read with Clause 19(i)(a) of the Fertilizer Control Order, 1985.

3. The trial Court has held the present appellant guilty and sentenced him to suffer Simple imprisonment for two years and to pay fine of Rs.10,000/- in default to undergo additional simple imprisonment for three months.

4. The amount of fine is already paid by the appellant. He invited my attention towards the impugned

judgment and submitted that the appellant has many arguable points in the present appeal. Moreover, punishment imposed is of limited period if it is executed then appeal would become infructuous.

5. Learned APP strongly opposed the application and submitted that the appeal itself is devoid of merits and liable to be dismissed.

6. I have heard learned Counsel for both the sides. On perusal of the impugned judgement as learned Counsel has pointed out that he has many arguable points in the present appeal. Moreover, punishment imposed is of a limited period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 05/03/2025 passed by the Additional Sessions Judge, Khamgaon, District Buldhana in E.C. Act Special Case No.01/2015 is hereby suspended till final disposal of the appeal.

(iii) The appellant – P.V. Deshmukh be released on bail on executing PR. Bond in the

sum of Rs.15,000/- (Rs. Fifteen thousand)
with one surety, in the like amount.

7. The application stands disposed of.

CRIMINAL APPEAL NO.239 OF 2025

Heard.

2. **ADMIT.**
3. Learned APP waives notice for the State.
4. Call for R. & P.
5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)