



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

CRIMINAL APPLICATION (APPA) NO. 469/2025 IN
CRIMINAL APPEAL NO. 262/2025

(Anand s/o Shankardayal Aliya Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for applicant.
Mr. A. Ghogare, APP for non/applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 11/06/2025.

Heard.

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

2. The appellant was prosecuted for the offence punishable under Sections 147, 148, 307, 324 and 149 of the Indian Penal Code ("IPC"). After appreciation of the evidence by learned District Judge-7 and Additional Sessions Judge, Nagpur, appellant is held guilty of the offence punishable under Section 147 of the IPC and sentenced to suffer rigorous imprisonment for two years and pay fine of Rs. 5000/-, in default to suffer simple imprisonment for four months. He is further convicted for the offence punishable under Sections 148 of the IPC and sentenced to suffer rigorous imprisonment for three years and pay a fine of Rs. 5000/-, in default to suffer simple imprisonment for four months and also for the offence punishable under Section 307 read with Section 149 of the

IPC and sentenced to suffer rigorous imprisonment for five years and pay fine of Rs. 15,000/-, in default to suffer simple imprisonment for four months and of the offence punishable under Section 324 read with Section 149 of the IPC and sentenced to suffer rigorous imprisonment for three years and pay fine of Rs. 5000/-, in default to suffer simple imprisonment for four months.

3. This judgment and order of conviction is challenged in this appeal on the ground that the learned Trial Court has not appreciated the evidence in proper perspective. The appeal would take its own time for final disposal, in the meantime, if the sentence is executed, the appeal would become infructuous. It is further submitted by learned counsel for appellant that the appellant has many arguable points in the present appeal and punishment imposed is also for limited period. In view of that the execution of sentence be suspended.

4. Learned APP strongly opposed for the same and submitted that there is no merit in the application and the application deserves to be rejected.

5. After hearing both the 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, it would take its own time for its final disposal. Punishment imposed is also for limited period. Considering all these aspects, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed

to pass following order:-

- (I) Criminal Application No. 469/2025 is allowed.
- (II) The execution of sentenced passed in Sessions Case No. 165/2005 is hereby suspended till disposal of the appeal.
- (III) The appellant Anand s/o Shankardayal Aliya shall released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

6. Application stands disposed of in above terms.

CRIMINAL APPEAL NO. 262/2025

- 1. Heard.
- 2. Admit.
- 3. Call for Record and Proceedings.
- 4. Appeal be listed for final argument after preparation of paper book.

(URMILA JOSHI-PHALKE, J.)