



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

CRIMINAL APPLICATION (APPA) NO. 525 OF 2025
IN
CRIMINAL APPEAL NO. 296 OF 2025

Mahesh s/o Shankar Karpe 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. D.P. Mankar, counsel for applicant/appellant.

Ms. M.A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/06/2025.

1. By this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.
2. Heard learned counsel for the appellant. The appellant is convicted for the offence punishable under Section 452 of the Indian Penal Code, 1860, (for short "IPC") and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 1000/- in default, simple imprisonment for three months. He is convicted for the offence punishable under Section 354 of the IPC and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs. 700/-, in default, to suffer simple imprisonment for two months. He is further convicted for the offence punishable under Section 354-A of the IPC, and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 500/-, in default, simple imprisonment for one month. Learned counsel for the appellant submitted that

the punishment imposed is of a limited period, and the appeal would take its own time for its final disposal.

3. Learned counsel has also pointed out from the impugned judgment that he has many arguable points in the present appeal. Considering all these things, he prayed for suspension of sentence.

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

5. On hearing both sides and considering that punishment imposed is of a limited period. Moreover, the appellant was on bail during the trial, and he has not misused his liberty. Admittedly, the appeal would take its own time for its final disposal, and if the sentence is executed, the appeal would become infructuous. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is **allowed**.
- b] The execution of the sentence passed in Atro. Spl. Case No. 08/2016, is hereby suspended till disposal of appeal.
- c] The appellant shall be released on bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

Criminal application is **disposed of**.

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

[URMILA JOSHI-PHALKE, J.]