



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

CRIMINAL APPLICATION (APPA) NO.531 OF 2025
IN
CRIMINAL APPEAL NO.300 OF 2025

Omprakash s/o Vitthalrao Pithekar

Vs.

State of Maharashtra, through Police Station Officer, Police Station City
Kotwali, District Amravati

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

Court's or Judge's orders

Mr. S. B. Gandhe, Counsel for the appellant.

Ms. S. S. Dhote, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/06/2025

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

2. The appellant is convicted for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of three years and to pay fine of Rs.10,000/- in default of payment of fine, rigorous imprisonment for six months. He is further convicted for the offence punishable under Section 332 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/- in default of payment of fine, rigorous imprisonment for 6 months.

3. Heard learned Counsel for the appellant, who submitted that the limited period punishment is imposed on the present appellant. The appellant has every chance of success in the present appeal and also pointed out that he has many arguable points in the present appeal. He further submitted that if the sentence is executed, the appeal would become infructuous. In view of that, he prays for suspension of sentence.

4. Learned APP strongly opposed the said application and submitted that the appeal itself is devoid of merits and liable to be dismissed and, therefore, the application deserves to be rejected.

5. On hearing both 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, but the appeal would take its own time for its final disposal. Moreover, the punishment imposed is of a limited period i.e. for three years and there is no likelihood of disposal of appeal within a short span of time. In view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The execution of the sentence passed in Sessions Case No.143/2021 is hereby suspended.

(iii) The appellant **Omprakash s/o Vitthalrao Pithekar** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

The application is disposed of.

CRIMINAL APPEAL NO.300 OF 2025

1. Heard.
2. **Admit.**
3. Learned APP waives notice for the State.
4. Call for record and proceedings.
5. Appeal be listed after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)