



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

CRIMINAL APPLICATION NO.77 OF 2025

IN

CRIMINAL APPEAL NO.95 OF 2025

(Gajanan s/o Pandurang Awachare Vs. 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. D.A. Sonwane, Advocate for the appellant.
Ms S. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 13, 2025

This is an application for condonation of delay.

2. The appellant has challenged the judgment and order of Special Court, Yavatmal convicting the present appellant of the offence punishable under Section 354-C of the IPC and 452 of the IPC.

3. In preferring the appeal, there is a delay of 86 days.

4. The ground raised by the appellant is that after conviction he is languishing in jail. There is nobody to look after his defence as well as his financial condition was not to engage the Counsel, and therefore, he could not file the appeal.

5. Considering the reasons mentioned in the application which is satisfactory and sufficient, the delay caused is hereby condoned.

6. The application is disposed of.

CRIMINAL APPLICATION NO.166 OF 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 is convicted of the offence punishable under Section 354-C and sentenced to suffer simple imprisonment for 16 months and fine of Rs.100/- in default to suffer simple imprisonment for 15 days and he is also convicted of the offence punishable under Section 452 of the IPC and sentenced to suffer simple imprisonment 16 months and to pay fine of Rs.100/- in default to suffer SI for 15 days. He pointed out from the impugned judgement that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, if sentence is executed then the appeal will become infructuous. In view of that, he prays for suspension of sentence and releasing the appellant on bail.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties and perused the impugned judgement from which the learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal and there is every chance of success. However, the appeal would take its own time for its final decision, moreover

the punishment imposed is for 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 09/02/2024 passed by the Special Court, Yavatmal in Special Case No.26/2021 is hereby suspended till final disposal of the appeal.

(iii) The appellant - Gajanan s/o Pandurang Awachare be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

5. The application stands disposed of.

CRIMINAL APPEAL NO.95 OF 2025

Heard.

2. **ADMIT.**

3. Issue notice to the respondents.

4. Learned APP waives notice for the State.

5. Call for R. & P.

6. Place the appeal before the Court for final disposal after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)