



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

CRIMINAL APPLICATION (APPA) NO. 720 OF 2025

IN

CRIMINAL APPEAL (STAMP) NO. 6998 OF 2025

(Sunil Janardhan Kohapare ..vs.. State of Maharashtra, through PSO, PS Chamorshi)

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. Taywade, Advocate for the appellant,
Mr. Bhagwan M. Lonare, Addl. P.P. for the respondent/State.

CORAM : ABHAY J. MANTRI, J.

DATED : 03-09-2025.

Applicant/appellant has moved this application to condone the delay of 37 days in filing the appeal, for which the learned Additional Public Prosecutor has given no objection.

2. Having considered the reasons disclosed in the application as well as the no objection of the learned Additional Public Prosecutor, the application is allowed as prayed, delay of 37 days in filing the appeal is condoned. The application is disposed of accordingly.

3. The appeal be registered accordingly.

Criminal Appeal (Stamp) No. 6998/2025.

Heard.

2. Having considered the grounds raised in the appeal, the appeal is '**Admitted**'.

3. Mr. Bhagwan M. Lonare, learned Additional Public Prosecutor, waives service of notice on behalf of the respondent/State.

4. Call for record and proceedings.

Criminal Application (Stamp) No. 7030/2025.

Applicant/appellant has moved this application for suspension of the sentence awarded by the learned Trial Court vide order dated 22-04-2025, in Session Case No. 115/2019 during the pendency of the appeal.

2. Learned Advocate for the applicant/appellant submitted that during the pendency of the trial, the applicant was on bail, as well as after passing of the conviction order, he was released on bail. He further argued that the applicant was convicted under Section 324 and other offences of the Indian Penal Code, and the maximum sentence of two years was awarded along with a fine. Applicant has deposited the fine amount, and the learned trial Court has granted bail to him till the appeal period is over, subject to furnishing P.B. and S.B. of Rs. 25,000/-. The applicant has also furnished the bail bonds in the trial Court. Accordingly, he has tendered across the bar copies of the bail order passed by the trial court as well as the receipt for the deposit of the fine amount in the trial Court. The same are taken on record and marked 'X' and 'X-1' for the purposes of Identification.

3. Having considered the above, and having gone through the record, *prima facie* I find substance in it. Apart from this, the appellant has preferred the appeal challenging the Judgment and order passed by the learned Sessions Judge, Gadchiroli, in Session Case No.115/2019. Moreover, the appeal will take its own time to be finally decided. Besides, the learned Advocate has pointed out the evidence on record as well as the findings recorded by the learned trial Court and submitted that the findings given by the trial court are erroneous. Thus, in my view, it would be appropriate to suspend the sentence awarded by the learned trial Court as well as release the applicant on bail, during the pendency of the appeal.

4. As such, the sentence awarded by the learned trial Court by order dated 22-04-2025 in Session Case No. 115/2019 is hereby suspended till the disposal of the appeal. As the applicant is already released on bail, the bail bonds executed by the applicant shall be continued during the pendency of the appeal.

5. The application is disposed of accordingly.

(ABHAY J. MANTRI, J.)

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