



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

CRIMINAL APPLICATION (APPA) NO. 1107 OF 2024 IN
CRIMINAL APPEAL NO. 654 OF 2024

Jarnalsing Ramsing Tak and another 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. C.R.Thakur, counsel for applicants/appellants.
Mrs. Ritu Sharma, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/02/2025.

1. By preferring this application, the appellants are seeking suspension of sentence and releasing the appellants on bail.

2. The appellants were convicted by the Sessions Court in Sessions Case No. 6/2017 for the offence punishable under Section 392 of the Indian Penal Code, 1860, and sentenced to suffer R.I. for seven years and pay fine of Rs. 10,000/- each in default, they shall suffer S.I. for three months each, and the appellant no. 2 further convicted under Section 7 read with Section 27 of the Arms Act, 1959, and sentenced to suffer R.I. for 7 years and fine of Rs. 5,000/- in default, further S.I. for 45 years.

3. Heard learned counsel Mr. C.R. Thakur for the appellants, who submitted that both the appellants are behind bars for more than three years. The appellant no.1 is behind the bars for three years and nine months, whereas

the appellant No.2 is behind the bar for three years and four months. Thus, 50% of the punishment they have already undergone and the appeal would take its own time for its final disposal. He further submitted that at the time of the hearing of the present appellants, and on the point of sentence, the Sessions Court has recorded that there are no criminal antecedents against them. He also pointed out from the impugned judgment and the evidence that though the accused were not acquainted or not known to the complainant, they were not put for the identification parade. He also pointed out from the impugned judgment that he has every chance of success in the present appeal, however, the appeal would take its own time. In the meantime, if the sentence is executed, then the appeal would become infructuous.

4. Learned APP strongly opposed the said application and invited my attention towards the evidence of PW-4, the police head constable Sumdeh Namdeo Aglawe, and submitted that the appellants were brought by PW-4 and other raiding party members, and from them, the golden ornaments were recovered. Thus, considering the evidence against them, the application deserves to be rejected.

5. After hearing both sides and on perusal of the evidence, it reveals that punishment imposed is of a limited period. Moreover, the appellants have already undergone 50% of the punishment, and the appeal would take its own time for its final disposal. The learned counsel for the

appellants have already pointed out that he has many arguable points in the present appeal and submitted that the appellants have every chance of success in the present appeal. In the meantime, if the sentence is executed, the appeal would become infructuous. Considering all these aspects, the appellants have made out a case for suspension of sentence. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a. Application is **allowed**.
- b. The execution of the sentence passed in Session Case No. 06/2017 is hereby suspended till disposal of the appeal.
- c. The appellants shall be released on bail on executing PR. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- d. The appellants shall attend the Court of Additional Sessions Judge, Hinganghat District Wardha, till disposal of the appeal on 1st of every month, and the Additional Sessions Judge, Hinganghat, District Wardha, shall record their presence.
- e. The appellants shall not involve themselves in similar types of activities. On registration of a single offence against them, the liberty granted to them deserves to be cancelled.

6. The criminal application (APPA) No. 1107 of 2024 is **disposed of**.

CRIMINAL APPEAL NO. 654 OF 2024

1. The appeal is already admitted. The record and proceedings is already received.
2. Appeal be listed after preparation of paper-book for final disposal.

[URMILA JOSHI-PHALKE, J.]