



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

CRIMINAL APPLICATION (APPA) NO. 918 OF 2025

IN

CRIMINAL APPEAL NO. 547 OF 2025

(Pukhraj Sampatrao Aware and others ..vs.. State of Maharashtra, through PSO, PS Asegaon Purna,
Amravati)

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

Court's or Judge's orders

Ms. R.G. Nitnaware, Counsel for the applicants/appellants,
Ms. H.N. Prabhu, Addl.P.P. for the non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 06-11-2025

The applicants/appellants are assailing the judgment and order passed by the learned Sessions Judge, Achalpur, District Amravati, in Sessions Case No. 50 of 2019, whereby the applicants have been convicted for the offences punishable under Sections 353, 189, and 225 read with Section 34 of the Indian Penal Code, and sentenced to suffer imprisonment for a period of three months.

2. The learned Counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not misused the liberty granted to them. It is further submitted that the applicants have a good case on merits and there are every likelihood of success in the appeal. Considering that the sentence imposed is of a short duration, the learned Counsel prays for suspension of sentence during pendency of the appeal.

3. Per contra, Ms. H.N. Prabhu, learned Additional Public Prosecutor, opposes the application and submits that in the event the applicants are released on bail, there is a possibility of misuse of liberty and of tampering with the prosecution evidence.

4. Upon considering the rival submissions, the nature of the offence, the short term of imprisonment, the fact that the applicants were on bail during trial and did not misuse the said liberty, and further that the appeal is likely to take some time for final hearing, this Court is of the considered view that it is a fit case to suspend the substantive sentence imposed upon the applicants.

5. Accordingly, the sentence imposed on the applicants is suspended during pendency of the appeal, on the applicants furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) and one solvent surety in the like amount each. The applicants shall report before the trial Court on every first Wednesday of each calendar month, until further orders. The applicant shall furnish his current address and mobile number before the Sessions Court and shall inform the Sessions Court if any change in the address or mobile number.

6. The application is disposed of accordingly.

Criminal Appeal No. 547 of 2025.

Heard.

2. **Admit.**
3. Call for record and proceedings.
4. The learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State.

(NIVEDITA P. MEHTA, J.)

adgokar