



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

CRIMINAL APPLICATION (APPA) No.212 OF 2025
IN
CRIMINAL APPEAL No.738 OF 2024

(Shankarrao s/o. Bhaiyaji Waghdhare Vs. State of Maharashtra, through PSO, P.S.
Tahsil, Nagpur)

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

Court's or Judge's orders.

Mr. A.K. Bhangde, Advocate for appellant
Mr. C.A. Lokhande, APP for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 10th MARCH, 2025.

1. By this application the appellant is seeking suspension of sentence and releasing him on bail.
2. The appellant is convicted of the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.6,00,000/-. Out of which, amount of Rs.5,75,000/- to be paid to the injured Rajesh. Being aggrieved and dis-satisfied with the same, the present appeal is filed.
3. Heard learned counsel for the appellant, who submitted that appeal would take its own time for its final disposal. The punishment imposed is of a limited period. Moreover, the appellant has many arguable points in the present appeal. If the sentence is executed, then appeal would become infructuous.

4. Learned A.P.P. for the respondent strongly opposed the application on the ground that appeal itself is devoid of merits and therefore, application is liable to be rejected.

5. On hearing learned counsels of both sides and on perusal of the impugned judgment as well as the evidence which is on record from which learned counsel pointed out that he has many arguable points. Moreover, the punishment imposed is of a limited period. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed, the appeal would become infructuous.

6. Considering all these aspects, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :

ORDER

(i) The Criminal Application (APPA) No.212/2025 is allowed.

(ii) The execution of sentence imposed in Sessions Case No.302/2016 is hereby suspended till disposal of the appeal.

(iii) The appellant shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one surety of like amount.

(iv) Criminal application is disposed of.

CRIMINAL APPEAL No.738 OF 2024

1. The appeal is already admitted. Record and proceeding is already received.

2. The appeal be listed for final disposal after preparation of the papers.

(Urmila Joshi-Phalke, J.)

Wadode