



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO. 1446 OF 2026
IN APEAL/272/2026

MUNWAR KHAN NOOR KHAN
VERSUS
THE STATE OF MAHARASHTRA

....

Mr Al. Amoddi A. M. h/f Mr. G. R. Syed, Advocate for the
Applicant

Mr. P. P. Dawalkar, APP for the Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

DATE : April 21, 2026

PER COURT :-

1. This is an application for suspension of sentence awarded by the learned Additional Sessions Judge-1, Parbhani in Sessions Case No.169 of 2022 for the offence under Section 353 of I.P.C.

2. The learned counsel for the applicant submitted that the applicant was tried vide Sessions Case No.169 of 2022 and charged for commission of the offence under Section 353 of I.P.C. That by judgment and order dated 04.04.2026 he came to be

convicted and sentenced to suffer imprisonment for six months for offence under Section 353 of I.P.C. Learned counsel makes a statement that during trial the applicant was on bail and fine amount is paid. According to him, the appeal is of 2026 and it will not be heard in near future. He urges for suspension of sentence and grant of bail.

3. Learned APP strongly opposed the application on the ground that, after full fledged trial, the conviction has been recorded and moreover, the offence of obstruction to a public servant has been proved beyond reasonable doubt.

4. After considering the above submissions and also taking into account the quantum of sentence as well as there is no prospect of hearing the appeal in near future, relief as prayed deserves to be granted. Hence, the following order:-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Munwar Khan Noor Khan by the learned Additional Sessions Judge-1, Parbhani, in Sessions Case No.169 of 2022 dated 04.04.2026 stands suspended till final hearing and disposal of Criminal Appeal No.272 of 2026.

- (iii) The applicant be released on PR. Bond of Rs.15,000/- (Rs.Fifteen thousand only) with two solvent sureties in the like amount.
- (iv) The applicant shall not commit any criminal activity.
- (v) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.
- (vi) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.
- (vii) Bail before the trial Court.

[ABHAY S. WAGHWASE J.]

SMS