IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 756 OF 2026
IN
CRIMINAL APPEAL NO. 290 OF 2026

1. Mahesh Mahaveer Mhetre

2. Mithun Laxman Potkule

3. Irfan Babu Aattar ..APPLICANTS

VERSUS

State of Maharashtra ..RESPONDENT

....

Mr. Ramanik Pawar a/w Mr. Sahil Shaikh, Mr. Nadeem Saudagar, Mr. Irfan Pendar and Mr. Vinod Shejwal, Advocates h/f Mr. Parag Nadaf, Advocate for applicants

Mrs. A.A. Takalkar, A.P.P. for Respondent – State

Mr. R.D. Gorad, Assistant Police Inspector, Miraj Railway Police Station

Mr. S.H. Kumbhar, Liaison Officer, Prison

SHAILAJA SHRIKANT HALKUDE
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CORAM : ABHAY J. MANTRI, J.
(VACATION COURT)
(THROUGH V.C.)
DATE : 16th NOVEMBER, 2026

PER COURT :

1. The Applicants/Appellants have moved this Application for suspension of sentence awarded by the learned Additional Sessions Judge, Sangli vide judgment and order dated 06th November, 2026 in Sessions Case No. 126 of 2018, during the pendency of the Appeal.

2. Heard learned counsel for the Applicants and learned A.P.P. for the State and perused the record.

3. Having considered the submissions of learned counsel for the Applicants and having gone through the record, prima facie, it appears that during the pendency of trial, the Applicants were on bail. After conviction, they were taken into custody, and since 06th November, 2026, they have been in jail. They have also paid the fine amount in the learned Trial Court. The maximum punishment awarded by the learned Additional Sessions Judge to the Applicants is four years.

4. It further appears that the Applicants have preferred an Appeal challenging the judgment and order dated 06th November, 2026 passed by the learned Additional Sessions Judge, Sangli in Sessions Case No. 126 of 2018, and the Appeal will take its own time to be finally decided. Besides, learned counsel for the Applicants has pointed out the evidence on record and the findings recorded by the learned Additional Sessions Judge, Sangli, and submitted that the said findings are erroneous.

5. Having considered the above facts as well as the fact that the maximum punishment awarded to the Applicants is of four years and the Applicants were on bail during the pendency of trial, in my view, it would be

appropriate to suspend the sentence awarded to the applicants during the pendency of the Appeal. Hence, the following order :-

ORDER

(I) **Interim Application is allowed in terms of prayer clause (A).**

(II) Accordingly, the sentence awarded by the learned Additional Sessions Judge, Sangli, vide judgment and order dated 06th November, 2026 in Sessions Case No. 126 of 2018 to the Applicants is hereby suspended till disposal of the Appeal.

(III) The Applicants, on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) each with one solvent surety in the like amount before the learned Additional Sessions Court, Sangli, be released on bail forthwith, if not required in any other case.

(IV) The applicants are directed to furnish their recent address and contact/mobile number/s with the concerned police station.

(V) Interim Application is disposed of.

(ABHAY J. MANTRI, J.)

SSD