



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

CRIMINAL APPEAL NO. 86 OF 2026.

Dharmendra Kashiram Sarate

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.D. Sirpurkar, Advocate for the Appellant.

Shri A. Chutke, A.P.P. for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 20, 2026.

Heard.

2. Admit. Call for R & P.

Learned A.P.P. waives notice for the
respondent.

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Criminal Application (APPA) No.146/2026.

Heard.

2. This is an application seeking
suspension of sentence passed by the Additional
Sessions Judge, Nagpur in Sessions Trial

No.250/2025 on 23.01.2026, whereby the applicant is convicted for the offence punishable under Sections 74, 75 and 76 of the Bhartiya Nyaya Sanhita, 2023 (BNS) and ordered to undergo rigorous imprisonment for one year and to pay fine of Rs.5000/-, in default to undergo simple imprisonment for one month, for Sections 74 and 75 of the BNS. As regards Section 76, the appellant /applicant is ordered to suffer rigorous imprisonment for three years and to pay fine of Rs.15,000/- and in default to undergo simple imprisonment for three months. All the sentences are ordered to run concurrently.

3. The learned Counsel for the applicant/ appellant submits that the trial Court has not appreciated the evidence properly and there are several contradictions and omissions. The trial Court has committed patent error while convicting the applicant, that there are arguable points, and considering the short sentence, the same is liable to

be suspended and the applicant be released on bail.

4. The learned A.P.P. appearing for the respondent State opposes the application by submitting that after appreciation of the evidence and material on record, the trial Court has reached to the conclusion that the appellant is guilty of the offence, and therefore, prayed to reject the present application.

5. I have heard the rival submissions. Admittedly, the appellant/applicant was convicted for the offence punishable under Sections 74, 75 and 76 of the BNS. So far as Sections 74 and 75 of the BNS are concerned, the sentence imposed is of one year with fine, for each of the offence. The appellant/applicant is also convicted for the offence under Section 76 of the BNS and sentenced to suffer rigorous imprisonment for three years. Considering the fact that an arguable case is made out and the fact that the sentence is of short term, I am inclined to suspend the same. Hence, the

following order.

ORDER

- [a] Criminal Application is allowed and disposed of.
- [b] The sentence imposed by the Additional Sessions Judge, Nagpur in Sessions Trial No.250/2025 on 23.01.2026, is hereby suspended, and applicant/appellant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with two sureties in the like amount.
- [c] The applicant /appellant to file an undertaking that he will appear before this Court as and when called.

JUDGE