



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

CRIMINAL APPEAL NO.163 OF 2026

MAHENDRA @ BAPURAO RAMESHRAO KAWANKURE AND ORS.
VS
THE STATE OF MAHARASHTRA

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

Court's or Judge's order

Shri R.M.Daga, Advocate for Appellant(s).
Shri B.M.Lonare, APP for respondent/State.

CORAM : NEERAJ P.DHOTE, J.
DATE : 07/04/2026

This is an Appeal against conviction.

2. Heard.

3. Admit.

4. The learned AGP waives notice for Respondent/State.

5. Call R & P with paper book.

CRIMINAL APPLICATION (APPA) NO. 258 OF 2026

6. This is an Application for suspension of sentence imposed by the learned Additional Sessions Judge, Wardha in Sessions Case No. 137/2015 dated 30/03/2026 convicting and sentencing the Appellants/Applicants as follows:-

"1] The Accused No.1 Mahendra @ Bapurao Ramesh Rao Kawankure, Age 39 years, accused No.2 Hiwraj Shankarrao Kawankure, Age - 41 years, accused No.3

Devidas Shankarrao Kawankure, Age 48 years, All Occ-agriculturists, All R/o Waifad, Tah. & Dist. Wardha and accused No.4 Bhimrao Shankarrao Bawane, Age 60 years, Occ-Labour, R/o Bela-Sawangi, Tah. Umred, Dist. Nagpur stand convicted for the offenses punishable under sections 143, 144, 147, 323, 324 and 326 r/w section 149 of the IPC vide section 235(2) of the Code of Criminal Procedure Code.

2] For the offences punishable under sections 143, 144 and 147, they are sentenced to suffer Rigorous Imprisonment for 2 (two) years.

3] For the offence punishable under section 323 r/w section 149 of the IPC, the accused persons are sentenced to suffer Rigorous Imprisonment for 1 (one) year.

4] For the offence punishable under section 324 r/w section 149 of the IPC, the accused persons are sentenced to Rigorous Imprisonment of 2 (two) years.

5] For the offence punishable under section 326 r/w section 149 of the IPC the accused persons are sentenced to suffer Rigorous Imprisonment of 5 (five) years and to pay a fine of Rs.1000/- (Rs. One Thousand) each in default of which they shall undergo simple imprisonment for 3 (three) months each.

6] All the substantive sentences to run concurrently.

7]

8] The accused have been in custody from 3-8-2015 to 23-9-2015. They shall therefore, be given the benefit of set-off as per the provisions of section 428 of Cr.PC.

9]

10]”

7. The maximum punishment is that of 5 years, which is the term sentence. The fine amount is paid. The

Appellants/Applicants were on bail during the trial. There is no likelihood that, the Appeal would be heard finally in near future. In this view of the matter, I am inclined to allow the Application. Hence, the following order:-

ORDER

[I] The Criminal Application is **allowed**.

[II] The substantive sentence imposed upon the Appellants/Applicants by the learned Sessions Judge, Wardha vide Judgment and Order dated 30/03/2026, passed in Sessions Case No. 137/2015, is hereby suspended till the final disposal of the Appeal.

[III] The Appellants/Applicants be released on bail on furnishing P.R. bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] each with one surety in the like amount.

[IV] The Appellants/Applicants shall co-operate in early disposal of the Appeal.

[V] Bail before the Trial Court.

[VI] The Criminal Application stands **disposed of** accordingly.

(NEERAJ P DHOTE, J.)