



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

CRIMINAL APPEAL NO. 166 OF 2026

Dipak s/o Gulabrao Dode

-- **VERSUS** --

State of Maharashtra

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

Court's or Judge's orders.

Ms. N.P. Dhoke, Advocate a/w. Mr. Ram Karode, Advocate for
the Appellant.

Ms. S.Z. Haider, A.P.P. for the Respondent/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 08, 2026.

Heard.

2. Admit.

3. Learned A.P.P. waives service for the
Respondent/State.

4. Call for Record and Proceedings.

CRIMINAL APPLICATION [APPA] NO. 264 OF 2026:-

1. Heard.

2. This is an application for suspension of
sentence.

3. The applicant is convicted for the offence
punishable under Section 353 of the Indian Penal
Code, 1860, and is sentenced to undergo Rigorous
Imprisonment (R.I.) for three months and to pay fine
of Rs.5,000/-, in default he shall undergo Simple

Imprisonment (S.I.) for 15 days vide judgment dated 26/02/2026 passed by Additional Sessions Court, Malkapur.

4. The learned counsel for the applicant submits that, as the appeal is admitted and has merit, the sentence of three months being a short-term sentence, the same be suspended. She further submits that the applicant has already paid the fine.

5. On the other hand, the learned A.P.P. opposes the application and submits that the appeal itself can be heard finally.

6. I have considered the rival submissions. It appears from the record that the applicant was convicted for the offence punishable under Section 353 of the Indian Penal Code, 1860, and sentenced to undergo Rigorous Imprisonment (R.I.) for three months. It further appears that the applicant has already paid a fine of Rs.5,000/-.

7. Considering the fact that the sentence is short-term sentence and arguable points are made out, I am inclined to suspend the sentence. Hence, the following order:-

ORDER

(i) The Criminal Application [APPA] No.264/2026, is hereby **allowed**;

(ii) The substantive sentence awarded in Sessions Case No.42/2022, passed by the

Additional Sessions Judge, Malkapur, is hereby suspended till disposal of the appeal;

(iii) The applicant – Dipak s/o Gulabrao Dode, be released on bail on his furnishing a PR. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN