

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 205/2026

(Mayur Arun Manke 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 orders

Mr. Y. P. Bhelande, Advocate for appellant.
 Ms. Mayuri H. Deshmukh, APP for respondent/State.

CORAM: M. M. NERLIKAR, J.

DATED : 27/04/2026.

Heard.

2. **Admit.**
3. The learned APP waives service of notice.
4. Call R. and P.

CRIMINAL APPLICATION (APPA) NO.321/2026

1. Heard.
2. This is an application for Suspension of Sentence.
 The applicant was convicted by the learned Special Judge and Additional Sessions Judge, (Court No.5), Amravati in Special Case No. 166/2023 for the offences punishable under Sections 354, 354-A and 452 of the Indian Penal Code("IPC") and Sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ("SC and ST Act"). The applicant was

sentenced for the offence punishable under Section 354 of the IPC to undergo rigorous imprisonment (RI”) for 1 year and pay fine of Rs.500/-, in default, he shall suffer simple imprisonment (“SI”) of 2 months. Further, the applicant was sentenced for the offences punishable under Section 452 of the IPC and Section 3(1)(w)(i)(ii) of the SC and ST Act to undergo SI for 6 months and to pay fine of Rs.500/- in each offence in default, he shall suffer SI of 2 months in each offence. Further, the applicant was sentenced for the offence punishable under Section 3(2)(va) of the SC and ST Act to undergo RI for 1 year and to pay fine of Rs.500/-, in default, he shall suffer simple imprisonment for 2 months. It is ordered that all the substantive sentences shall run concurrently.

3. The learned counsel for the applicant submits that the Trial Court has failed to appreciate the evidence in proper perspective. In fact, he submits that the offences under the SC and ST Act are not made out and further the evidence does not inspire confidence, therefore he submits that the applicant is having a good case on merit and considering the short term sentence his sentence be suspended.

4. On the other hand, the learned APP opposes the application and submits that after appreciating the entire evidence the Trial Court has convicted the applicant, therefore the application be rejected. At the most, the appeal be decided expeditiously.

5. I have heard the rival contentions. It appears from the record that the applicant has already paid fine amount and his substantive sentence is also suspended by the Trial Court. The applicant was sentenced to undergo one year imprisonment. Considering the short term sentence and the applicant is having a good case on merit. I am inclined to suspend the sentence, hence the following order:-

(I) The application is allowed.

(II) The substantive sentence passed by the learned Special Judge and Additional Sessions Judge, (Court No.5), Amravati in Special Case No. 166/2023 is hereby suspended

(III) The applicant be released on bail on furnishing PR Bond of Rs. 25,000/- with one solvent surety in the like amount.

(M. M. NERLIKAR, J.)