



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPEAL NO.211 OF 2026

Atul Dinkar Sakhare

..vs..

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

Shri S.D. Umredkar, Advocate for the applicant/appellant.
Mrs S.Z. Haider, APP for non-applicant/State.

CORAM: M.M. NERLIKAR, J.

DATE : 29.04.2026.

Heard.

3. **Admit.**

4. Learned APP waives notice on behalf of the respondent/State.

5. Call for the Records and Proceedings.

CRIMINAL APPLICATION NO. 327 OF 2026

6. Heard.

7. This is an application for suspension of execution of Sentence. The applicant was convicted by the Sessions Judge, Chandrapur in Sessions Case No.70/2019 for the offence punishable under Section 326 of the Indian Penal Code. The applicant was sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.15,000/-, in default, he shall suffer rigorous imprisonment for six months.

8. Learned Counsel for the applicant submits that the applicant is having a good case on merit. The defence taken by him is a right of private defence, which is not properly appreciated by the Trial Court and therefore it erred in convicting the applicant and considering this,

sentence is prayed to be suspended.

9. On the other hand, learned APP opposes the application by submitting that the Trial Court has properly appreciated the evidence. Injured witness i.e. PW2 has specifically stated about the entire incident. According to learned APP, there is no perversity and the Trial Court has not erred in considering the evidence and therefore, the appeal itself can be heard finally. Considering all these aspects, the application is prayed to be rejected.

10. I have considered the rival submission. It appears from the record that the applicant has already paid the fine amount and his substantive sentence is also suspended by the Trial Court. The applicant was sentenced to undergo rigorous imprisonment for three years. Considering all these aspects and since the applicant is having a good case on merit and the sentence is short term sentence, I am inclined to suspend the sentence, hence the following order :

- (a) The application is allowed.
- (b) The substantive sentence passed by the learned Sessions Judge, Chandrapur in Sessions Case No.70/2019 is hereby suspended.
- (c) The applicant be released on bail on furnishing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

11. The application stands disposed of accordingly.

(M.M. NERLIKAR, J.)