



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

CRIMINAL APPEAL NO.263 OF 2026.

Pawan Nanaji Kalmegh

-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.W. Sambre, Advocate for the Appellant.
Ms T. Udeshi, A.P.P. for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : JUNE 12, 2026.

Heard.

Admit. Call for R & P.

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

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CRIMINAL APPLICATION [APPA] NO. 391 OF 2026.

Heard.

2. This is an application for suspension of execution of Sentence awarded by the learned Additional Sessions Judge-I, Warud vide judgment and order dated 15.04.2026 in Sessions Case No.109/2023. By this judgment and order, the applicant is convicted for the offence punishable under Section

153 read with Section 149 of the Indian Penal Code, and is ordered to undergo simple imprisonment (SI) for 4 months for and to pay fine amount of Rs.500/- each, in default, applicant/accused is order to suffer simple imprisonment for 2 months each. For the offence punishable under Section 143 read with Section 149 of the Indian Penal Code the applicant/accused is sentenced to suffer simple imprisonment for 2 months. For the offence punishable under Section 147 read with Section 149 of the Indian Penal Code, the applicant is sentenced to suffer simple imprisonment for 6 months and was directed to pay fine amount of Rs.500/-, in default to suffer simple imprisonment for 2 months each. The substantive sentences are directed to run concurrently.

3. The learned Counsel for the applicant submits that the applicant is having a good case on merits. The Trial Court has not considered the evidence in proper perspective and erred in convicting the applicant and considering this, the learned Counsel prays that the sentence be suspended. It is brought to the notice of this Court that in case of other accused persons i.e. Criminal Appeal No.234/2026, this Court has already suspended the sentence by order dated 06.05.2026.

4. On the other hand, learned APP opposes the application by submitting that the Trial Court has properly

scanned the entire evidence and thereafter has come to the conclusion that the applicant is guilty for the aforesaid offence. 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 theses aspect, she prayed to reject the application.

5. I have considered the rival submissions. It appears from the record that the applicant has already deposited the fine amount. Considering all these aspects and since the applicant is having a good case on merit and the sentences imposed are short term sentences, and the same are already suspended in case of other accused persons by order dated 06.05.2026 passed in Criminal Appeal No.234/2026, I am inclined to suspend the sentence, hence the following order :

ORDER

- (i) The application is allowed and disposed of.
- (ii) The substantive sentenced imposed by the learned Additional Sessions Judge-I, Warud vide judgment and order dated 15.04.2026 in Sessions Case No.109/2023 is hereby suspended.
- (iii) The applicant/appellant be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.

JUDGE