



Criminal Appeal No.64/2025,

Vijay Madhukar Jadhav

Vs.

State of Maharashtra

(CNR : MHBU010013012025)

Order below Exh.4.

(Dated : 17-10-2025)

1] This is an application for suspension of sentence passed by the learned Chief Judicial Magistrate, Buldana, in Regular Criminal Case No.311/2020, vide judgment and order of conviction dated 15.09.2025. The appellant/original accused No.2 was convicted for the offence punishable under Section 323 read with 34 of the Indian Penal Code, vide Section 248(2) of the Code of Criminal Procedure, 1973, and sentenced to suffer rigorous imprisonment for one month and to pay fine of Rs.1,000/-, in default to suffer rigorous imprisonment for seven days. The appellant/original accused No.2 was further convicted for the offence punishable under Section 324 read with 34 of the Indian Penal Code, vide Section 248(2) of the Code of Criminal Procedure, 1973, and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.2,000/-, in default to suffer rigorous imprisonment for one month.

2] It is contended on behalf of the appellant/accused No.2 that he has preferred an appeal challenging the validity of the order passed by the learned Chief Judicial Magistrate, Buldana on the grounds mentioned in the appeal memo. Considering the facts of the case, there is every possibility of the appellant being acquitted in the matter.

3] It is further contended that the appellant deserve an

opportunity to defend the case. The appellant has a very good prima facie case to succeed in the matter. To proceed with the appeal, it is necessary to suspend the sentence and order passed by the learned Chief Judicial Magistrate, Buldana. The appellant is stated to be the only earning member of his family. On these and amongst other grounds, it is prayed for suspension of the sentence of conviction.

4] The learned Public Prosecutor Mr. V. L. Bhatkar for respondent/State, vehemently resisted the application by filing a say. The learned Public Prosecutor has prayed for rejection of the application.

5] Heard the learned Advocate Mr. S. R. Burje, appearing on behalf of the appellant and learned Public Prosecutor Mr. V.L. Bhatkar for respondent/State. Perused the application (Exh.4), say filed by the respondent/State and the material placed on record.

6] The learned Advocate Mr. S. R. Burje urged with a degree of vehemence that there is every possibility of success in the appeal and to set aside the impugned judgment and order passed by the learned Chief Judicial Magistrate, Buldana. Thus, the appellant has made out an exceptional case for suspension of the sentence. In view of the peculiar facts and circumstances of the case, he has prayed for suspension of sentence.

7] It is pertinent to note that the appellant has challenged the judgment and order of conviction by filing Criminal Appeal. It is to be noted here that the appellant was on bail during the trial. It is not the case of the prosecution that he breached the bail conditions during the trial. The appellant is in his early thirties of life. If the sentence is not suspended, then very purpose of the first appeal

would be frustrated. It is imperative to note that the trial Court observed that there is nothing on record to demonstrate that the accused is habitual offender. Having regard to the entire gamut of the circumstances, including the nature of the offences, the circumstances in which the incident had occurred and punishment imposed upon the accused, I am of the considered view that this is a fit case for suspension of the sentence. With this, I am inclined to pass the following order :

ORDER

- (1) Application (Exh.4) is hereby allowed.
- (2) The sentence of imprisonment imposed on the appellant/accused No.2, vide judgment and order dated 15.09.2025 passed in Regular Criminal Case No.311/2020 by learned Chief Judicial Magistrate, Buldana, under Sections 323 read with 34 and 324 read with 34 of the Indian Penal Code, is hereby suspended till disposal of the appeal, on following conditions :
 - (i) The appellant be released on P.R. bond in a sum of Rs.10,000/- (Rs. Ten thousand only) with surety in the like amount.
 - (ii) The appellant is directed to attend the dates regularly and cooperate for early disposal of the appeal.
- (3) Inform the trial Court accordingly.

Dated : 17.10.2025.

(R. N. Rokade)
Sessions Judge, Buldana.

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Certificate

“I affirm that, the contents of this PDF file order are same word for word as per original order.”

Name of Steno	D.S.Ingle, Stenographer (Grade-III)
Name of Court	Principal District & Sessions Judge, Buldana.
Date of Judgment/Order	17-10-2025.
Dictated on	17-10-2025.
Transcribed on	17-10-2025.
Checked and signed on	17-10-2025.
Uploaded on	17-10-2025.

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