

MHBU040004362023



Order below Exh.4
(Passed on 11.5.2023)

1. This is an application moved by the convicted accused under section 389 of the Code of Criminal Procedure, for suspension of the sentence of conviction recorded by the learned Judicial Magistrate First Class, Court No.3 Khamgaon, in Regular Criminal Case No.244/2017, decided on 24.3.2023, whereby the appellant/accused was convicted for the charge u/s 380 of I.P.C. and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/- (Rs.Two thousand only), in default of payment of fine, appellant/accused shall suffer simple imprisonment for one month. The appellant/accused was also convicted for the charge u/s 457 of I.P.C. and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/- (Rs.Two thousand only), in default of payment of fine, appellant/accused shall suffer simple imprisonment for one month.

2. Heard, learned Adv.Mr.A.G.Dambelkar for appellant. The appellant is challenging the legality and correctness of the above judgment and order of conviction. The appellant has deposited the fine amount on the same date. The appeal needs to be decided on

merits and it will take time for the same. There is substance in the submission made by the learned Advocate for appellant/accused. Hence, I find it just and appropriate to suspend the sentence of imprisonment till the disposal of this appeal. Hence, the following order :-

ORDER

- 1] The application Exh.4 is allowed.
- 2] The operation of the judgment and order passed in Reg.Cr.Case No.244/2017 dated 24.3.2023 passed by the JMFC Court No.3 Khamgaon is suspended till the disposal of appeal.
- 3] The applicant/appellant Sandip Narayan Bhaware, is directed to furnish PR Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand only) and furnishing the solvent surety in the like amount.
- 4] Inform the learned trial Court accordingly.

Dt.11/5/2023

(A.S.Wairagade)
Addl.Sessions Judge Khamgaon,
Dist. Buldhana.

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon, Dist. Buldana.