

**IN THE COURT OF SESSIONS JUDGE, GONDIA.**  
**CRIMINAL APPEAL NO. 09/2023**  
(CNR : MHGO010001142023)

**Shankar Patle -Vs- State of Maharashtra**

**ORDER BELOW EXH. 04**  
(Delivered on this 18<sup>th</sup> day of January, 2023)

This application is filed by the appellant/original accused for suspension of sentence. It is submitted that he has already paid total fine amount of Rs.3,000/-. During trial he was on bail. He had regularly attended before the learned trial court. He is in jail. He is simple and poor person. He is good chance of success in appeal and ready to abide by the conditions imposed, if any.

2. Heard learned advocate Mr. P. T. Tolani for the appellant/accused. Perused the application and impugned judgment and order.

3. The appellant/accused is convicted by learned Chief Judicial Magistrate, Gondia in Regular Criminal Case No. 270/2019 dated 21.12.2022 for the offence punishable under Sections 454, 457, 380 read with section 34 of the IPC. He is sentenced to suffer rigorous imprisonment for 2 years and

also to pay fine of Rs.1,000/- for the offence punishable under section 454 of IPC. He is sentenced to suffer rigorous imprisonment for 5 years each and also to pay fine of Rs.1,000/- each for the offence punishable under section 457, 380 read with Section 34 of IPC. In default of payment of fine of Rs. 3,000/- to undergo further rigorous imprisonment for three months each.

4. As the conviction imposed for the offence punishable under 457, 380 of IPC for 5 years each, the accused is taken in custody and presently under incarceration. The accused has deposited the fine amount of Rs.3,000/- before the learned Trial Court and also filed the receipt of it on record. The appellant/accused was on bail during the trial. Appeal is statutory right of the appellant. Considering the grounds mentioned by the appellant/accused and the nature of the offence, the substantive sentence imposed on him needs to be suspended till disposal of appeal. Hence, I proceed to pass the following order.

### **ORDER**

1. Application Exh.4 is allowed.

2. The substantive sentence imposed on the appellant/accused by the impugned judgment and order dated 21.12.2022 in Regular Criminal Case No.270/2019 by the Chief Judicial Magistrate, Gondia for the offence punishable under section 454, 457 and 380 of IPC, is hereby suspended till disposal of this appeal.
3. The appellant/accused be released on bail on his furnishing PB & SB of Rs.25,000/- with one surety of the like amount.
4. Inform the learned Trial Court accordingly.

Gondia.  
Date:- 18.01.2023.

SD/-  
(A. T. Wankhede)  
Sessions Judge, Gondia.