



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GONDIA.

CRIMINAL APPEAL NO.20/2024.

CNR No.MHGO010007322024.

MANISH S/O KUWARLAL ILPATE + 1.

VS.

THE STATE OF MAH. THROUGH PSO GOREGAON + 1.

ORDER BELOW EXH.4.

(Passed on 4th June, 2024)

This is an application filed by appellants/accused No.1 and 2 for bail and for suspension of sentence in Criminal Appeal No.20/2024 challenging the judgment of their conviction in Regular Criminal Case No.393/2016. The appellants/accused No.1 and 2 were convicted by the Court of Learned Judicial Magistrate, First Class (Court No.3), Gondia in the above said matter on 02/05/2024 for the offence punishable under Section 448 read with Section 34 of The Indian Penal Code and were sentenced to suffer rigorous imprisonment for a period of One Year each. They were directed to pay in all total fine of Rs.2,000/-, in default of payment of fine, to suffer simple

imprisonment for one month each. The appellant/accused No.1 was further convicted for the offence punishable under Section 354 of The Indian Penal Code and was sentenced to suffer rigorous imprisonment for a period of Three Years. He was directed to pay fine of Rs.5,000/-, in default of payment of fine, to suffer simple imprisonment for one month. On recovery of amount of fine, an amount of fine was directed to be given to the victim as compensation.

2] The Learned advocate for appellants/accused No.1 and 2 submitted that, during the trial, appellants/accused No.1 and 2 were released on bail and they had not misused their liberty. After judgment, appellants/accused No.1 and 2 are released on bail till expiry of appeal period. As per the direction of Learned Trial Court, they have paid the fine of Rs.7,000/- on 02/05/2024.

3] Heard Learned advocate representing appellants/accused No.1 and 2 and Learned APP. Gone through the record.

4] I have perused the present application and the judgment of the Learned Trial Court. From the record, it reveals that, on 02/05/2024, appellants/accused No.1 and 2 deposited the fine of Rs.7,000/-. From the record, it further reveals that, the appellants/accused No.1 and 2 were on bail during the trial.

Admittedly, appellants/accused No.1 and 2 have not breached any condition of their bail during the trial. Since the appeal is by way of right, the same is admitted for final hearing. I am inclined to allow the application for suspension of sentence. Therefore, their application deserves to be allowed and I proceed to pass the following order.

ORDER

1. Application (Exh.4) is allowed.
2. The judgment passed by Learned Judicial Magistrate, First Class (Court No.3), Gondia in Regular Criminal Case No.393/2016 on 02/05/2024 is hereby stayed and the execution of sentence of imprisonment against the appellants/accused No.1 and 2 is suspended till the disposal of appeal.
3. The appellants/accused No.1 and 2 be released on bail on executing P.R. Bond of Rs.15,000/- each and surety in the like amount.
4. Inform the Learned Trial Court accordingly.

Date: 04/06/2024.

Sd/-
I/c. Additional Sessions Judge,
Gondia.