

IN THE COURT OF SESSIONS JUDGE, GONDIA.**CRIMINAL APPEAL NO.53/2023****(CNR : MHGO010011762023)****Tekeshwar+1 -Vs- State of Maharashtra****ORDER BELOW EXH. 04****(Passed on this 12th day of September, 2023)**

This application is filed by the appellants/original accused for suspension of sentence and grant of bail. It is submitted that that law points are involved in the appeal and the conviction of the appellants is bad in law. The appellants deposited the fine amount in the Trial Court. They are not habitual offenders. During trial they were on bail.

2. Heard learned advocate Miss. R. N. Dasheriya for the appellants/accused. Perused the application and impugned judgment and order.

3. The appellants/accused are convicted by learned Judicial Magistrate First Class, Court No.4, Gondia in Regular Criminal Case No. 31/2016 dated 16.08.2023 for the offence punishable under section 294, 506 read with section 34 of the IPC. They are sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.1,000/- each, in default to

suffer simple imprisonment for one month for the offence punishable under section 294 read with section 34 of IPC and also sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/- each, in default to suffer simple imprisonment for one month for the offence punishable under section 506 read with section 34 of IPC. Appeal is a statutory right of the appellants/accused. It is submitted by the learned advocate for the appellants/accused that the learned Trial Court has suspended the sentences for the appeal period. They deposited the fine amount before the Trial Court. The appellants/accused were on bail during the trial.

4. The appellants filed on record the receipt of deposit of fine amount. They were on bail during the trial. Considering the grounds mentioned by the appellants/accused and the nature of the offence, the substantive sentence imposed on them, 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 appellants/accused by the impugned judgment and order dated 16.08.2023 in Regular Criminal Case

No.31/2016 by the Judicial Magistrate First Class, Court No.4, Gondia for the offence punishable under sections 294, 506 read with section 34 of IPC, is hereby suspended till disposal of this appeal.

3. The appellants/accused to furnish P.B. & S.B. of Rs. 50,000/- each in the like amount.
4. Bail before the learned Trial Court.
5. Inform the learned Trial Court accordingly.

Gondia.
Date:- 12.09.2023.

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