

MHRT040005362025

CRIMINAL APPEAL NO. 18/2025
ORDER BELOW EXH.5

Ganesh Parshuram Chogale

Appellant

Versus

State of Maharashtra

Respondent

1. This is criminal appeal against the judgment of conviction in RCC No.137 of 2023 (old case No.RCC 128/2022) passed by learned Judicial Magistrate, First Class, Mandangad dated 04/10/2025 whereby, the learned Trial Court has convicted the appellant/accused and sentenced u/s 354 of Indian Penal Code to suffer rigorous imprisonment for one year and also to pay fine of Rs.2,000/-, in default to suffer simple imprisonment for ten days. The judgment is impugned before this Court. Fine amount is paid by accused.

2. The appellant is permanent resident of Garjebaba At Pajpandhari Post and Tal.Dapoli, Dist. Ratnagiri. He is only earning hand in the family. He will not jump over the bail and abide by the conditions imposed by the Court.

3. The Learned Advocate of the accused further contended that the Learned Trial Court has not properly appreciated the evidence. Prima facie it appears that there is arguable case for the accused. The appeal has to be decided on merit. The punishment for

the offence is imprisonment of either description for a term which shall not be less than one year but which may extend to five years , and shall also be liable to fine (which is less than 10 years) therefore say of Learned APP need not be called. Perused the certified copy of Judgment. The accused has right of hearing his appeal on merit. Till then his personal liberty shall not be curtailed. Therefore according to me till the final decision of the appeal the sentence shall be suspended. In result I pass following order.

ORDER

The sentence dated 04-10-2025 in RCC No. 137 of 2023 (old case No.RCC 128/2022) is stayed u/s 430 of BNSS till pendency of the appeal .

Khed.

Date:- 31/10/2025

(P. S. Chandgude)

Additional Sessions Judge, Khed,
Dist. Ratnagiri

CERTIFICATE

I affirm that, contents of this P.D.F.file Judgment/order are same, word to word, as per the original Judgment /order.

Name of the English Stenographer	Mrs. V.S.Kulkarni
Name of the Court	Mr. P. S. Chandgude, Additional Sessions Judge, Khed, Dist. Ratnagiri.
Date of Pronouncement	31.10.2025
Judgment/order Signed On	31.10.2025
Judgment/order Uploaded On	31.10.2025