

Order below Exh.5 in
Criminal Appeal No. 01/2019

Heard : Learned Adv. Mr. A. G. Tiwari for the Appellant.

1. This is an application filed under section 389 of the Code of Criminal Procedure, for suspension of substantive sentence and releasing the appellant on bail.

2. Perused the application. A perusal of the impugned order dated 04/12/2018 passed by the Learned trial court in Regular Criminal Case No.94/2015 indicates that the appellant has been convicted for the offence under Section 324 r/w 34 of the Indian Penal Code and sentenced to undergo imprisonment for a period of one year and pay fine of Rs.2000/- in default to suffer rigorous imprisonment for two months. The appellant is ready to cooperate for early disposal of appeal on merits. There is mixed question of fact and law to decide the legality of the sentence passed by the learned Trial Court. The appellant was on bail during trial. In view thereof, I am inclined to allow the application subject to the following terms and conditions.

Order

- (1) The sentence passed by the learned Judicial Magistrate, First Class, (Court No.3) Pulgaon in Regular Criminal Case No.94/2015 (State V/s. Sagar Nagose+1) is suspended till the final hearing and disposal of the appeal.
- (2) Appellant to furnish PB and SB of Rs.15,000/- within 7 days from today.
- (3) Appellant is directed to appear on each date of hearing of the appeal.

Wardha
Date: 08/01/2019

Sd/-
(**Mridula V.K.Bhatia**)
District Judge-1 and
Addl. Sessions Judge, Wardha.