

Order Below Application Exh.2

(Dt.01.10.2022)

The accused/applicants have been convicted by the learned JMFC, Maregaon in R.C.C. No.616/2016 for the offence punishable under section 26 (D)(F) of Indian Forest Act, 1927 and sentenced to suffer S.I. for two months, besides payment of fine of Rs.2,500/-by each.

2. As both the accused/applicants have not made any application to learned JMFC, Maregaon seeking suspension of substantive sentence, both are in jail. Perused the judgment under challenge. It appears that the material witnesses have not been cross-examined by the accused during trial. The question, whether they had an opportunity, but they ignored or not, is relevant. The entire evidence of prosecution has gone unchallenged. Therefore, it appears necessary to stay the execution and implementation of substantive sentence dated 23.09.2022 and release both the appellants/accused on bail, until decision of appeal. But while releasing them on bail, it is necessary to put a condition that they shall not enter in Reserve Forest. Any single breach of said condition shall be sufficient to recall this order. Thus, the execution and implementation of substantive sentence passed in R.C.C. No.616/2016, dated 23.09.2022 by the learned JMFC, Maregaon, is suspended, until decision of appeal on condition that both shall not enter in Reserve Forest. In the meantime, the accused/appellants be released on bail on furnishing PB & SB of Rs.15,000/- by each. Accordingly, the application Exh.2 is disposed off.

Date: 01/10/2022

(H.S.Satbhai)
Additional Sessions Judge-2,
Kelapur.