

Order Below Exh.2 in Cri. Appeal No.33/2023

[Sudhakar Maroti Dhorbawane -Vs- State through PS Patan]

This application has been filed to suspend the substantive sentence imposed on the appellant/accused under section 304-A of Indian Penal Code thereby sentencing him to suffer RI for 1 month and fine amount of Rs.1000/- in SCC No.399/2019 passed by the learned JMFC, Zari-Jamni on 26.07.2023.

2. Heard learned advocate for the appellant Shri R.V.Bhoyar. Perused the application and judgment and order and receipt of deposit of fine by the appellant. Also perused the evidence annexed in the paper-book filed by the appellant.

3. Upon considering the submissions advanced by learned advocate for appellant, it appears that the accused had been on bail during trial. The punishment imposed is of 1 month.. The appellant is resident of Bori, Tq. Kelapur within the jurisdiction of this court. From the appeal memo and submissions made, the appellant has challenged the impugned judgment and order on various grounds by filing this appeal. It would take some considerable time to decide appeal on merits considering time to receive record of the trial and other factors. The presence of the appellant in appeal would be secured by imposing certain conditions. The appellant has deposited the

fine as appeared from the receipt filed on record. Thus, considering all attending facts and circumstances and submissions made and nature of sentence imposed, the appellant has made out a case for suspension of substantive sentence till final disposal of appeal and thus it needs to be allowed. As result the following order.

ORDER

- 1) The application (Exh.2) is hereby allowed thereby suspending the execution and operation of substantive sentence of impugned judgment and order passed by learned JMFC, Zari-Jamni in SCC No.399/2019 passed on 26.07.2023 till final disposal of the appeal subject to condition that the appellant namely Sudhakar Maroti Dhorbawane shall submit SB & PB of Rs.50,000/- with one surety in the like amount.
- 2) The appellant shall attend the court regularly and shall mark his presence through his learned advocate in exceptional circumstances beyond his control and shall not protract the hearing of appeal due to his absence.

Kelapur.

Date :- 22/08/2023

(A.M. Deshmukh)

Addl. Sessions Judge-2

Kelapur.