

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 CRIMINAL APPLICATION NO.1747 OF 2022
IN APEAL/400/2022**

**SUBHASH DEVIDAS PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Senior Advocate for Applicant : Mr. Rajendra S. Deshmukh a/w
Mr. Vishal A. Chavan i/b Mr. Devang R. Deshmukh
APP for Respondent no.1-State: Mr. B. V. Virdhe

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**CORAM : SANDIPKUMAR C. MORE, J.
[VACATION COURT]**

DATED : 31/05/2022.

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P. C. :

1. The applicant Subhash Devidas Patil, who is original accused No.1 in Sessions Case No. 173 of 2019 has preferred this application for suspension of sentence awarded by the learned Additional Sessions Judge, Bhusawal, District Jalgaon under impugned judgment and order dated 04/05/2022. Under the aforesaid impugned order, the applicant Subhash is convicted for the offence punishable under Section 304(ii) read with Section 109 of Indian Penal Code and sentenced to suffer SI for two years and fine of Rs.1,000/- in default to undergo SI for one month. He is also convicted for the offence punishable under Section 323 of IPC

and sentenced to suffer SI for one month and fine of Rs.500/- in default to undergo SI for seven days.

2. Heard the learned senior counsel Mr. Deshmukh for the applicant and also the learned APP. The learned APP has strong objection in respect of releasing the applicant on bail during pendency of this appeal and for suspension of his sentence as mentioned above.

3. Perused the impugned judgment and order along with order passed by the learned Additional Sessions Judge, Bhusawal below Exh.87 in Sessions Case No. 173 of 2019. On perusal of the aforesaid orders, it is evident that the learned Additional Sessions Judge, Bhusawal has already released the present applicant on bail since he has been convicted for sentence of imprisonment less than three years. Moreover, it is also apparent that the applicant was on bail during the trial and did not misuse the liberty. Further the applicant has already deposited the fine of Rs.1,500/- on the same day of the impugned judgment before the learned Additional Sessions Judge, Bhusawal. Hence, I pass following order.

ORDER

- I) Criminal Application is hereby allowed.
- II) The substantial sentence of imprisonment awarded to applicant Subhash Devidas Patil of two years for the offence punishable under

section 304(ii) read with Section 109 of Indian Penal Code and sentence of imprisonment for one month for the offence punishable under Section 323 of IPC in Sessions Case No. 173 of 2019 under judgment and order dated 04/05/2022 by learned Additional Sessions Judge, Bhusawal is hereby suspended during pendency of appeal and till then the applicant be released on execution of PR bond of Rs.15,000/- and with one solvent surety in the like amount.

III) Parties to act upon authenticated copy of this order.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-