

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 752 OF 2022

Sandhya W/o Rajesh Masne .Vs. State of Maharashtra, through P.S.O., P.S. Dhantoli,
Tah. & Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S. Malode, Advocate for the appellant.

Ms Kalyani Deshpande, A.P.P. for the respondent/State.

CORAM : M.W. CHANDWANI, J.

DATED : 28/10/2022

1. This is an appeal filed under Section 374(2) of the Code of Criminal Procedure in which the judgment and order dated 30.08.2022 in Sessions Trial No.108 of 2019 has been assailed. The appellant, by the said order, has been convicted for offence punishable under Section 353 of the Indian Penal Code (IPC), and directed to suffer rigorous imprisonment for 3 years with fine of Rs.1,000/- and in default to undergo further 6 months rigorous imprisonment. He has been also convicted for the offence punishable under Section 332 of the IPC to suffer with rigorous imprisonment for 3 years with fine of Rs.1,000/- and in default to undergo further 6 months rigorous imprisonment. He has been also convicted for the offence punishable under Section 509 of the IPC to suffer with simple imprisonment for 2 years with fine of Rs.500 and in default to undergo further 4 months simple imprisonment.

2. **Admit.**
3. Issue notice to the respondent, returnable on **22.11.2022.**
4. Ms Kalyani Deshpande, learned A.P.P. waives service of notice for the respondent/State.
5. Call record and proceedings.

Criminal Application (APPA) No.962 of 2022

6. Apart from the present appeal, the appellant is also filed the present application for suspension of sentence and grant of bail till decision of this appeal. Needless to mention that the sentence ordered by the trial Court has been suspended by the trial Court by its order dated 30.08.2022 to enable the appellant to approach before this Court for obtaining order of suspension of substantive sentence.
7. It is to be noted that during the trial, the appellant was on bail.
8. Considering the punishment awarded i.e. rigorous imprisonment for 3 years for the offence punishable under Sections 353 and 332 and two years for the offence punishable under Section 509 of the IPC, the case is made out for suspension of substantive sentence.
 - i) The application is **allowed**.

ii) The sentence imposed by the learned Additional Sessions Judge-12, Nagpur in Sessions Case No.108 of 2019 vide judgment dated 30.08.2022, is suspended till disposal of the appeal and

iii) The appellant shall furnish a P.R. Bond for Rs.15,000/- with one solvent surety in the like amount before the trial Court.

(M. W. CHANDWANI, J.)