



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.1216 OF 2023

IN

CRIMINAL APPEAL NO.754 OF 2023

(Randhirsingh s/o Rambahadursingh Vs. State of Maharashtra)

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

Court's or Judge's Order

Shri S.G. Deshpande, Advocate for the applicant.
Shri S.S. Hulke, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 30, 2023.

Heard.

2. By preferring this appeal, the appellant has challenged the judgment and order of conviction passed in Sessions Case No.80/2017 by which the applicant is convicted for the offence punishable under Section 304 Part II of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.15,000/-.

3. Learned Counsel for the appellant submitted that fine is already deposited. He further submitted that the learned trial Court had not considered the material evidence on record. The appellant has every chance of success in the present appeal and has many arguable points.

4. Learned Counsel for the appellant further submitted that if the sentence is executed then the appeal

will become infructuous. In view of that the sentence be suspended.

5. Learned APP strongly objected the application and prays for rejection of the application.

6. Having heard learned Counsel for the applicant and perused the copies of the deposition and the impugned judgment. The applicant has made out the arguable points.

7. In view of that the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence is hereby suspended till disposal of the appeal.

(iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

(iv) The applicant shall furnish his Cell-phone number and address along with address proof before the trial Court.

8. The application stands disposed of.

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2. **ADMIT.**

3. Call for R. & P.
4. Learned APP waives notice for the State.
5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

**Divya*