

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No.399/2015.
In
Criminal Revision Application No. 237 Of 2014.

SURYAKANT S/O GANGADHAR YAMAWAR
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Sachin Panale, Advocate for the Applicant.

Mr. V.P. Kadam, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **VM. DESHPANDE, J.**

DATE : **17th FEBRUARY, 2015.**

Per Court :-

Present Criminal Application is filed for suspension of substantive jail sentence and for grant of bail; since the applicant – accused was convicted by the learned Judicial Magistrate, First Class vide his judgment and order dated 26/08/2010 passed in S.C.C. No.454/2006 for the offences punishable under Section/s 279, 337, 338 of the Indian Penal Code and under Section 66 read with 192(A) and 187 of the Motor Vehicle Act.

[2] Though different sentences are imposed for the different offences, the applicant was directed to suffer three months rigorous imprisonment for the offence punishable under Section 337 of Indian Penal Code. All sentences were directed to be run concurrently. Being

aggrieved by the said Judgment and Order, the applicant has preferred Criminal Appeal No.21/2010. The learned Additional Sessions Judge, Biloli, Dist. Nanded vide his judgment and order dated 16th August, 2014 dismissed the said Criminal Appeal.

[3] Mr. Sachin Panale, states that, the applicant – accused is behind the bar since 19th January, 2015. This statement is not controverted by Mr. V.P. Kadam, learned Additional Public Prosecutor for the State. Thus the applicant has already undergone 1/3rd of his sentence.

[4] Looking to the pendency of Criminal Revision Applications in this court, in near future it is not possible for this Court to take this matter for final hearing. During trial and even during pendency of Criminal Appeal, the applicant – accused was on bail and at any point of time, he has not misused the liberty granted to him. In that view of the matter, Criminal Application needs to be allowed. Accordingly, following order is passed :-

ORDER

(i) Criminal Application No.399 Of 2015 is allowed.

(ii) Substantive jail sentence imposed by the Judicial Magistrate, First Class, Degloor vide his judgment and order dated 26/08/2010 passed in S.C.C. No.454/2006 for the offences punishable under Section/s 279, 337, 338 of the Indian Penal Code and under Section.s. 66 read with 192(A) and 187 of the Motor Vehicle Act, together

with Judgment and order dated 16th August, 2014 delivered by the learned Additional Sessions Judge, Biloli, Dist. Nanded in Criminal Appeal No.21/2010 are hereby suspended.

(iii) Applicant – Accused Suryakant s/o Gangadhar Yamawar shall be released on bail upon he executing P.R. Bond of Rs.5000/- [Rs.Five Thousand only] with two solvent sureties in the like amount.

(iv) Bail before the trial court. The Judicial Magistrate, First Class, Degloor is directed to accept the bail bonds, since the Record & Proceedings are already called in this court, after accepting bail bonds the Judicial Magistrate, First Class, Degloor is directed to transmit the said bail papers to this Court.

(v) Applicant shall remain present personally in this court, at the time of final hearing.

(vi) With this, Criminal Application is disposed of.

(V.M. DESHPANDE, J.)