

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

**CRIMINAL APPLICATION NO. 706 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 26 OF 2015**

Vasant Gulab Gaikwad .. Applicant
Age. 40 years, Occ. Agri.,
R/p/ Ranjani, Tq. Kallamb,
Dist. Osmanabad.

Versus

The State of Maharashtra .. Respondent

Mr. S.T. Veer, Advocate for the applicant.
Mr. S.M. Jadhav, APP for respondent/State.

**CORAM : SMT.SADHANA S. JADHAV, J.
DATED : 18.03.2015**

P.C. :-

1. Heard. The applicant is convicted for the offences punishable under sections 420 and 471 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for two years and fine of Rs. 5000/- for offence punishable under section 420 of the Indian Penal Code, in default, 3 months rigorous imprisonment and is sentenced to suffer rigorous imprisonment for one year and fine of Rs. 5000/-, in default, two months rigorous imprisonment for offence punishable under section 471 of the Indian Penal Code by the Judicial Magistrate, F.C., Bhoom, vide judgment and order dated 26.11.2009.

2. Perused the judgment and order. The applicant

filed Criminal Appeal No. 37 of 2014 before the Additional Sessions Judge at Bhoom. By the judgment and order dated 02.02.2015, learned Sessions Judge has upheld the conviction of the appellant for the offence punishable under section 471 of the Indian Penal Code. However, the applicant has been acquitted under section 420 of Indian Penal Code. The sentence of fine has been maintained. The applicant was taken into custody on 02.02.2015. Learned Counsel for the applicant submits that the amount of fine has been deposited. Taking into consideration the fact that the applicant has been sentenced to a short term sentence, the applicant deserves suspension of sentence during the pendency of the present revision application.

3. The substantive sentence imposed upon the applicant by the Judicial Magistrate, F.C., Bhoom is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) and one or two sureties in like amount. The applicant shall appear before the Judicial Magistrate, F.C., Bhoom once in six months on the dates assigned by the learned Magistrate. Upon committing breach of the condition on two consecutive dates, the prosecution is at liberty to seek cancellation of bail.

4. The Criminal Application stands disposed of.

[SMT. SADHANA S. JADHAV, J.]