

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1087 OF 2015

IN

CRIMINAL REVISION APPLICATION NO. 37 OF 2015

**[Appa @ Sambhu Devidas Godase vs Indibai w/o Appa @ Sambhu Godase
and ors.]**

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

Court's or Judge's orders

Shri C.R.Deshpande, advocate for the applicant
Shri V.H.Dighe, A.P.P. for respondent /State

.....

CORAM : V.M.DESHPANDE, J.

DATED : 27th February, 2015

PER COURT :-

- 1] Heard learned counsel for the applicant.
- 2] This is an application for suspension of substantive jail sentence and for grant of bail. The applicant is convicted by the learned Judicial Magistrate, First Class, Nandurbar, dated 8.11.2012 in Regular Criminal Case No. 99 of 1996 for the offence punishable under Section 494 of the Indian Penal Code and was directed to suffer rigorous imprisonment for three years and to pay fine of

Rs.50,000/-. The appeal preferred by the present applicant bearing Criminal Appeal No. 24 of 2012, is also dismissed in so far as present applicant is concerned by the learned Sessions Judge on 20.2.2015 and confirmed the judgment and order of conviction.

3] After hearing the learned counsel for the applicant and the learned Additional Public Prosecutor Shri V.H.Dighe and looking to the controversy involved and in view of the fact that the conviction is for limited duration, this court is of the view to exercise discretion in favour of the present applicant.

4] The applicant was on bail during trial and also during the pendency of Criminal Appeal. A Statement is made that the applicant has already deposited the fine amount of Rs.50,000/-. The applicant has not misused the liberty granted to him while he was on bail. According to the learned counsel for the applicant, after delivery of the judgment by the learned Sessions Judge on 20.2.2015 the applicant is taken in custody and presently he is in jail. Statement is accepted.

5] Looking to the fact that Revision filed by the present applicant is admitted by this court and there

is no chance of taking the Revision for final hearing, I propose to pass the following order.

(i) Substantive jail sentence imposed by the learned Judicial Magistrate, First Class, Nandurbar in Regular Criminal Case No. 99 of 1996 directing the applicant to suffer rigorous imprisonment for three years which is confirmed by the learned Sessions Judge, Nandurbar in Criminal Appeal No. 24 of 2012 stands suspended during the pendency of the present Criminal Revision Application.

(ii) The applicant shall be released on bail on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.

(iii) Bail before the learned Sessions Judge, Nandurbar.

(iv) The applicant is directed to remain present before this court at the time of final hearing of Revision Application.

(v) Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

dbm/crap1087.15