

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

CRIMINAL APPLICATION NO.1683 OF 2015

Pappu @ Avinash Dasherath Jadhav .. Applicants
and others

Versus

The State of Maharashtra .. Respondent

Mr.B.N. Palve, Advocate for the applicant.
Mr.S.G.Nandedkar, APP for respondent/State.

**CORAM : SMT.SADHANA S. JADHAV,J.
DATED : 01.04.2015**

P.C. :-

1. Heard. The applicants herein are seeking suspension of substantive sentence during the pendency of the revision. The applicants herein are convicted for offence punishable under Section 324 of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 1000/- (Rupees One Thousand), in default, simple imprisonment for two months by Judicial Magistrate, First Class, Ahmednagar in R.T.C. No. 281 of 2006, vide judgment and order dated 03.01.2009. Being aggrieved by the judgment and order the applicants herein filed Criminal Appeal No. 18 of 2009 before the Sessions Court at Ahmednagar. The learned Additional Sessions Judge, Ahmednagar vide judgment and

order dated 17.03.2015 has been pleased to confirm the conviction and sentence imposed upon the applicants for offence punishable under Section 324 r/w 34 of Indian Penal Code. Hence this revision.

2. The learned counsel for the applicants submits that the applicants were on bail during the pendency of the trial as well as during the pendency of the appeal and committed no breach of condition imposed upon them. It is further submitted that in the present case both the Courts below have not been appreciated evidence adduced by the prosecution in its proper perspective and hence conviction has resulted in grave miscarriage of justice. The learned counsel submits that in view of this the substantive sentence imposed upon the applicants be suspended. It is further submitted that the applicants have been taken into custody on 17.03.2015 and they are in jail since then.

3. Taking into consideration the evidence on record and submissions advanced, this Court is inclined to suspend the substantive sentence imposed upon the applicants. Hence application is allowed.

4. Hence substantive sentence imposed upon the applicants deserve to be suspended. They be enlarged on

bail. Same bail, fresh bonds. The applicants shall report to the Court of Judicial Magistrate, First Class, Ahmednagar once in six months during the pendency of the revision application on the date as directed by Judicial Magistrate, First Class, Ahmednagar. Upon breach of the conditions and not attending the Court on two consecutive dates, the prosecution would be at liberty to file application seeking cancellation of bail.

5. The application is allowed in the above terms and disposed of.

[SMT. SADHANA S. JADHAV, J.]