

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

**CRIMINAL APPLICATION NO. 2122 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.74 OF 2015**

Prabhakar Shankar Pawar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr.V.D.Sonwane, Advocate for the applicant.

Mr.S.G.Nandedkar, APP for the respondent/ State.

CORAM : SMT.SADHANA S. JADHAV,J.

DATED : 21.04.2015

PER COURT :-

1. The applicant herein is convicted for the offence punishable under Section 304-A of the Indian Penal Code and sentenced to suffer simple imprisonment for one year and fine of Rs.2000/- (Rupees Two Thousand) in default simple imprisonment for 15 days. The applicant is also convicted under Section 279 of the Indian Penal Code and sentenced to simple imprisonment for one month and fine of Rs.500/- (Rupees Five Hundred) in default 7 days simple imprisonment. The applicant is also convicted under Section 338 of Indian Penal Code and sentenced to suffer simple imprisonment for one year and fine of Rs. 1000/- in default simple imprisonment for 10 days vide

judgment and order dated 14.12.2009 in STC No.243 of 2008 passed by the Judicial Magistrate First Class, Ahmednagar.

2. Being aggrieved by the said judgment and order the applicant herein filed Criminal Appeal No. 2 of 2010 before the Sessions Judge, Ahmednagar. The learned Sessions Judge vide judgment and order dated 16.03.2015 has been pleased to allow the appeal partly and the sentence modified. The applicant is sentenced to simple imprisonment for six months and fine of Rs.2000/- (Rupees Two Thousand) in default, simple imprisonment for 15 days under Section 304-A of the Indian Penal Code and sentenced to suffer simple imprisonment for six months and fine of Rs.1000/- (Rupees One Thousand) in default, simple imprisonment for 10 days under Section 338 of the Indian Penal Code.

3. The learned counsel for the applicant submits that the applicant has been taken into custody on 16.03.2015. This Court has issued Rule in the said Revision Application. The learned counsel for the applicant submits that the applicant was on bail during pendency of the trial and during pendency of the appeal, that the applicant has not committed breach of any conditions imposed upon him. Upon perusal of the judgment

and order and after hearing the submissions of the learned counsel for the applicant, this Court is of the opinion that the substantive sentence imposed upon the applicant deserves to be suspended.

4. Order.

The Criminal Application is allowed. The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in like amount. The applicants shall mark his attendance before the Judicial Magistrate, First Class, Ahmednagar, once in six months on the date scheduled by the learned Court. Upon failure to do so, the prosecution would be at liberty to file application seeking cancellation of bail.

5. The Criminal application is accordingly allowed and disposed of. The parties to act upon the authenticated copy.

[SMT. SADHANA S. JADHAV, J.]