

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

**CRIMINAL APPLICATION NO. 2217 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 81 OF 2015**

Nivrutti Pandurang Gund Patil & Ors. .. Applicants
Versus
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO. 2225 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 82 OF 2015**

Raosaheb s/o. Pandurang Badgujar .. Applicant
Versus
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO. 2226 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 83 OF 2015**

Ramrao Vitthalrao Rajguru .. Applicants
Versus
The State of Maharashtra .. Respondent

Mr.S.S.Thombre, Mr.R.G. Hange & Mr.S.S. Wagh Advocates
for the respective applicants.
Mr.S.G. Nandedkar, APP for respondent/State.

**CORAM : SMT.SADHANA S. JADHAV,J.
DATED : 24.04.2015**

P.C. :-

1. Heard learned Counsel for the applicants. The applicants herein are convicted for offences punishable under section 420, 467, 468 & 471 r/w 34 of the Indian Penal Code in R.C.C. No.236 of 1996 by learned Chief Judicial Magistrate, Beed, vide judgment and order dated 24.04.2009 and have been sentenced to suffer rigorous imprisonment for one year and fine of Rs.500/-, in default, simple imprisonment for two months for the said each offences. All sentences are directed to run concurrently. Being aggrieved by the said judgment and order, the applicants herein filed Criminal Appeal Nos. 16, 17, 20 & 21 of 2009 before the Sessions Court at Beed. Learned Sessions Court vide judgment and order dated 21.04.2015 has been pleased to dismiss the appeals and has maintained the conviction recorded by learned Chief Judicial Magistrate, Beed. Hence, these Criminal Revision Applications and Criminal Applications seeking suspension of substantive sentence are filed.

2. This Court on perusal of record and hearing the submissions of learned Counsel has issued Rule in the Criminal Revision Applications and hence, the Criminal Applications seeking suspension of substantive sentence are being considered.

3. Learned Counsel for the applicants submits that all the applicants have surrendered before the Court on 21.04.2015. The fine amount is paid. It is further submitted that the applicants were on bail during the pendency of the trial as well as during the pendency of the appeals and have not committed breach of any condition. Learned Counsel submits that both the Courts have failed to appreciate the evidence in its proper perspective and therefore Criminal Revision Applications require consideration. In view of this, following order is passed :-

- i. The Criminal Applications are allowed.
- ii. The substantive sentenced imposed upon the applicants is hereby suspended. The applicants be enlarged on bail. Same bail, fresh bonds.
- iii. The applicants shall attend the Court of learned Chief Judicial Magistrate, Beed, once in six months on the date scheduled by the concerned Court. Upon failure to attend any two consecutive dates, the bail granted vide this order would be subject to cancellation.

4. Learned Counsel for the applicants, upon instructions, undertakes that the applicants would remain present before this Court at the time of final hearing of the Criminal Revision Application.

5. The Criminal Applications are accordingly disposed of.

[SMT. SADHANA S. JADHAV,J.]