

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

**CRIMINAL APPLICATION NO.2511 OF 2015
IN
CRIMINAL REVISION APPLICATION 91 OF 2015**

Shamrao Anandrao Bhosale .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.V.S.Kadam, Advocate for the applicant.

**CORAM : SMT.SADHANA S. JADHAV,J.
DATED : 08.05.2015**

PER COURT :-

. The applicant herein is convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of three months and fine of Rs.1,000/-, in default, rigorous imprisonment for one month in RCC No. 107 of 2008 by the Judicial Magistrate First Class, Purna vide judgment and order dated 27.01.2012.

2. Being aggrieved by the said judgment and order the applicant herein had filed the Criminal Appeal No. 10 of 2012 before the Sessions Court at Parbhani. The

learned Joint Ahoc Additional Sessions Judge, Parbhani vide judgment and order dated 30.04.2015 has been pleased to partly allow the appeal. The conviction is confirmed. However sentence is reduced to rigorous imprisonment for one month and fine of Rs.10,000/-, in default, simple imprisonment for one month. Hence this revision.

3. The learned counsel for the applicant submits that the applicant has been taken into custody on 30.04.2015. 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. The applicant has not committed any breach of conditions imposed upon him. The sentence imposed upon the applicant by the Appellate Court is for a limited period of one month and that the applicant had already been in jail for about 9 days.

4. 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. Hence following order is passed.

5.

ORDER

i] The Criminal Application is allowed.

ii] The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bond.

iii] The applicant shall mark his attendance before the Judicial Magistrate, First Class, Purna, once in six months on the date scheduled by the concerned Court. Upon failure to do so, the prosecution would be at liberty to file application seeking cancellation of bail.

iv] The Criminal application is accordingly allowed and disposed of.

[SMT. SADHANA S. JADHAV, J.]