

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 4001 OF 2015**IN****CRIMINAL REVISION APPLICATION NO. 130 OF 2015****[Balaji s/o Digambar Khatal Vs The State of Maharashtra]**

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

Court's or Judge's orders

Shri T.M.Venjane, advocate for applicant
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 30th July, 2015

PER COURT :-

- 1] This is an application for suspension of substantive jail sentence and for grant of bail.
- 2] Heard Shri T.M.Venjane, learned counsel for applicant.
- 3] The applicant was prosecuted along with other accused for the offences punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code before the learned Magistrate in Regular Criminal Case No. 68 of 2007. The learned Magistrate vide judgment, dated 30.6.2011 acquitted all the accused including the present applicant.
- 4] Being dissatisfied with the said order of acquittal, the State preferred appeal before the lower appellate court against all the accused including the present applicant. The learned Additional Sessions Judge partly allowed the appeal filed by the State and convicted only the present applicant for the offence punishable under Section 498-A of the Indian Penal Code and directed that he should suffer simple

imprisonment for one year and to pay a fine of Rs.1,000/-.

5] Against the said order, Revision is filed by the applicant. This Court has already admitted the Revision.

6] Learned counsel for the applicant submits that the applicant has already deposited the fine amount and the learned lower appellate court has already exercised the discretion under Section 389(3) of the Code of Criminal Procedure. Statement accepted. That leads me to pass following order.

ORDER

- (i) Application is allowed.
- (ii) During the pendency of Criminal Revision Application No. 130 of 2015, the substantive jail sentence as imposed by the Additional Sessions Judge, Latur vide judgment and order, dated 6.7.2015 in Criminal Appeal No. 111 of 2011 imposed against the present applicant, shall remain suspended.
- (iii) The applicant shall be released on bail on execution of fresh P.R.bond of Rs.15,000/- with one solvent surety in the like amount before the lower appellate court.
- (iv) The applicant shall remain present before this court at the time of final hearing of the Revision.
- (v) Application is disposed of.

(V.M.DESHPANDE, J.)

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