

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

**CRIMINAL APPLICATION NO. 6350 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 218 OF 2015**

1. Mahesh Laxmanrao Sonnar,

Age : 35 years, Occu. Agri.

2. Laxman Harishchandra Sonnar,

Age : 65 years, Occu. Agri.

3. Mangalbai Laxmanrao Sonnar,

Age : 65 years, Occu. Housewife.

4. Chaturabai Bansi Kokare,

Age : 75 years, Occu. Nil.

All R/o. Village Wani Sangam, Tq. Sonpeth,

Dist. Parbhani.

... Applicants

VERSUS

The State of Maharashtra & Anr.

... Respondents

.....
Mr S. H. Jagiasi, Advocate for applicants
Mr S. M. Ganachari, APP for respondent/State
.....

CORAM : INDIRA K. JAIN, J.
DATE : 1ST DECEMBER, 2015.

PER COURT:

. Heard.

2. The learned Additional Sessions Judge, Gangakhed vide judgment and order dt. 25.11.2015 passed in Criminal Appeal No. 29/2012 convicted the applicants for the offence punishable under Section 498A of the Indian Penal Code and sentenced to suffer R.I. for six months each. In addition applicant No. 1 is directed to pay compensation of Rs. 20000/- and other applicants to pay compensation of Rs. 5000/- each to the complainant under Section 357(3) of the Code of Criminal Procedure. By the said Judgment the learned Additional Sessions Judge reversed the judgment of acquittal of applicants passed by the learned Judicial Magistrate First Class, Sonpeth on 10.10.2015.

3. Learned counsel for applicants submitted that applicants were on bail during trial and during pendency of appeal. Since 25.11.2015 they are in custody.

4. Applicant Nos. 2, 3 and 4 are senior citizens. Applicant No. 1 is husband. Considering the reasons assigned by the trial Court for acquittal of the applicants, this Court is inclined to suspend

the substantive sentence of imprisonment imposed by the appellate Court under Section 498-A of the Indian Penal Code. Accordingly the following order.

ORDER

- (i) Criminal Application No. 6350 of 2015 is allowed.
- (ii) The substantive sentence of imprisonment is suspended till the decision of Criminal Revision Application No. 218 of 2015, on applicant Nos. 1 to 4 furnishing PR & SB of Rs. 15,000/- (Rupees Fifteen Thousand) each.
- (iii) Applicants to deposit 50% of the compensation amount within four weeks.
- (iv) Parties to act on authenticated copy of this order.

[INDIRA K. JAIN, J.]

sgp