

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

CRIMINAL APPLICATION NO. 6501 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 222 OF 2015

Vitthal s/o Limbaji Bhaskar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri S.W.Munde, advocate for applicant
Ms. S.S.Raut, A.P.P. for respondent/State
.....

CORAM : INDIRA K.JAIN, J.
DATED : 22nd December, 2015

ORDER :

Heard learned counsel for applicant.

2] Notice. Learned A.P.P. waives service of notice for respondent/State.

3] This is an application for suspension of substantive sentence of imprisonment imposed by the learned Judicial Magistrate, First Class, Ambajogai in Regular Criminal Case No. 113 of 2003 vide judgment and order, dated 24.2.2011 and confirmed by the learned Additional Sessions Judge, Ambajogai vide judgment

and order, dated 30.7.2015 in Criminal Appeal No. 5 of 2011.

4] Applicant has been convicted for the offences punishable under Sections 323, 324, 506 of the Indian Penal Code. Case was mainly based on the sole testimony of complainant.

5] Applicant is 95 years old. He has deposited the fine amount. Applicant was on bail throughout during pendency of Criminal Case and Appeal.

6] Considering the nature of offences, evidence adduced by the prosecution and the reasons recorded by the Courts below, this court finds it fit to suspend the execution and operation of substantive sentence of imprisonment. Hence the following order.

ORDER

- (i) Criminal Application No. 6501 of 2015 is allowed.
- (ii) The execution and operation of substantive sentence of imprisonment is suspended till the decision of Criminal Revision Application No. 222 of 2015 on applicant's furnishing P.R. and S.B. of Rs.15,000/- each in the Trial Court.
- (iii) Humdast allowed.
- (iv) Parties to act on the authenticated copy.

[INDIRA K.JAIN, J.]

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