

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

**CRIMINAL APPLICATION NO. 6562 OF 2015**  
IN REVN/228/2015

SANJAY BABURAO KAMBLE AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Tukaram M. Venjane.  
APP for Respondent : Mr. A. R. Kale.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 14<sup>th</sup> December, 2015.

ORAL ORDER:

. Issue notice to Respondent.

2 Learned APP waives service of notice for sole Respondent.

3 Heard Mr. T. M. Venjane, learned counsel for Applicant.

4 Perused judgments and orders dated 20<sup>th</sup> April, 2011 in Regular Criminal Case No.84 of 2009 passed by learned 8<sup>th</sup> Judicial Magistrate First Class, Latur and 3<sup>rd</sup> December, 2015 in Criminal Appeal No.64 of 2011 passed by learned Additional Sessions Judge, Latur.

5 Applicants were convicted by learned Judicial Magistrate First Class for the offences punishable under Sections 323 and 324 read with 34 of the Indian Penal Code. The order of conviction was

maintained in appeal. However the order of sentence was modified by the learned Sessions Judge.

6 Learned counsel for Applicants makes a statement that fine amount has been deposited. Statement is taken on record. Considering the nature of offences and the punishment awarded by the Courts below this Court is inclined to allow the application. Hence the following order –

### **ORDER**

- I. Criminal Application No.6562 of 2015 is allowed.
- II. The execution and operation of substantive sentence of imprisonment is suspended till the decision of Criminal Revision Application No.228 of 2015 on Applicants furnishing fresh P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each.
- III. Bail before the Trial Court.

**[ INDIRA K. JAIN, J. ]**