

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 337 OF 2015
IN
CRIMINAL REVISION APPLICATION 385 OF 2015

Mahipal Sacchidanand More

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. S. V. Marwadi i/b Mr. Kartik Garg for Applicant

Mr. A. S. Patil APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 3, 2015.

PC :

Heard. Applicant herein is was accused in S.C.C. No. 825 of 2009. By Judgment and Order dated 02/04/2013, applicant herein was convicted by 6th Judicial Magistrate First Class, Bhiwandi for offence punishable under sections 304 (A), 279 and 337 of Indian Penal Code and under section 187 of Motor Vehicles Act. He is sentenced to suffer simple imprisonment for one year and to pay fine amount of Rs. 30,000/- for offence punishable under section 304 (A). He is sentenced to suffer simple imprisonment for 4 months and fine of Rs. 1,000/- for offence punishable under section 279 of Indian Penal Code. He is also sentenced to suffer simple imprisonment for 3 months

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and fine of Rs. 500/- for offence punishable under section 337 of Indian Penal Code. He was also sentenced to suffer simple imprisonment for one month for offence punishable under section 187 of Motor Vehicles Act.

2) Being aggrieved by the Judgment and Order, applicant herein had filed criminal appeal no. 183 of 2013 before Additional Sessions Judge, Thane. By Judgment and Order, learned Sessions Judge was pleased to allow the appeal, partly. Sentence under section 187 of Motor Vehicles Act was set aside and had maintained rest of the sentence. Applicant was directed to surrender within one week from 30/07/2015.

3) Applicant has surrendered before concerned Court on 02/09/2015. Learned counsel for the applicant has placed on record the receipt showing that applicant has paid fine of Rs. 31,500/-. The fact that revision has been admitted, the substantive sentence of the applicant needs to be suspended during the pendency of the revision application. Learned counsel for the applicant submits that applicant was on bail during the pendency of trial as well as during the pendency of appeal and has not committed breach of any conditions imposed upon him. It is also submitted that applicant is still in service of Maharashtra State Road Transport Corporation. It is also submitted,

on instructions that applicant has been exonerated in the departmental enquiry. Learned counsel for the applicant submits that applicant has good case on merits.

4) Upon considering the evidence on record and submissions advanced across the bar, the following order is passed.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. Applicant be enlarged on same bail, fresh bonds.
- (iii) Applicant shall cause his appearance before Judicial Magistrate First Class, Bhiwandi once in six months, on the date assigned by the said Court, till conclusion of the revision.
- (iv) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- (v) Application stands disposed of.
- (vi) Authorities to act on authenticated copy.

(SMT. SADHANA S. JADHAV, J.)