

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 404 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 465 OF 2015

Appasaheb Rambhau Tenge

.....Applicant

V/s.

State of Maharashtra

....Respondent

Mr. Surel S. Shah for Applicant

Mr. D. R. More APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 12, 2015.

PC :

Not on board. upon production, taken on board.

Heard. This is an application seeking suspension of substantive sentence imposed upon the applicant. Applicant herein was tried for offence punishable under sections 384, 504, 506 of Indian Penal Code r/w section 32, 33 B and 33 of the Bombay Money-Lenders Act. Applicant herein was convicted for offence punishable under sections 32 (1), 32 B (b) (i) and 33 (i) of Bombay Money Lenders Act, 1946 and was sentenced to rigorous imprisonment of one year and fine of Rs. 3,000/- vide Judgment and Order dated 23/03/2011 by Judicial Magistrate First Class, Daund in R.C.C. No. 33 of 2010. Being aggrieved by the said Judgment and Order, applicant had filed

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Criminal Appeal No. 22 of 2011 before District Judge at Baramati. Learned District Judge by Judgment and Order dated 06/10/2015 has been pleased to dismiss the appeal. Applicant has surrendered to his bail bonds.

2) 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 further submitted that applicant has not indulged into similar offence. That applicant happens to be a senior citizen who is more than 70 years old.

3) Taking into consideration the facts of the case and the submissions advanced across the bar, applicant deserves to be enlarged on bail.

ORDER

(i) Application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 23/03/2011 by Judicial Magistrate First Class, Daund in R.C.C. No. 33 of 2010 and Judgment and Order dated 06/10/2015 passed by District Judge Baramati in Criminal Appeal No. 22 of 2011 is hereby suspended.

(iii) Applicant be enlarged on bail. Same bail, fresh bonds.

- (iv) Applicant shall report to court of Judicial Magistrate First Class, Daund, once in six months, as directed by the concerned court, till the decision of revision application.
- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to file an application for cancellation of bail.
- (vi) Application stands disposed of.
- (vii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)