

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 471 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 542 OF 2015

Amol Shankar Shinde	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Hrishikesh Mundargi i/b. Mr. Jayant J. Bardeskar, Advocate for the applicant.

Mr. Arfan Sait, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 22nd December, 2015.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence passed in Criminal Appeal No.193 of 2010 by the Addl. Sessions Judge, Kolhapur.

2. The applicant herein was convicted for an offence punishable under Section 304A of Indian penal Code and sentenced to suffer R.I. for two years in C.C. No.16 of 2005 by the Judicial Magistrate, First Class, Gargoti vide judgment and order dated 4.8.2010.

3. Being aggrieved by the said judgment and order, the applicant herein had filed Criminal Appeal No.193 of 2010 before the Sessions Court at Kolhapur. The learned Addl. Sessions Judge, Kolhapur, vide judgment

and order dated 2.11.2015, has dismissed the appeal. The applicant is convicted for the offences punishable under Section 304A of IPC and Section 279 of IPC.

4. The learned counsel for the applicant submits that on 16.12.2015, the applicant herein has submitted himself before the learned Judicial Magistrate, First Class, Gargoti. It is further submitted that the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and has not committed breach of any conditions imposed upon him. The Revision Application challenging the concurrent judgments has been admitted by this Court. The learned Counsel further submits that the applicant has a good case on merits as the prosecution has failed to prove the guilt of the accused beyond reasonable doubt.

5. Taking all these aspects into consideration, this Court is of the opinion that the substantive sentence imposed upon the applicant deserves to be suspended during the pendency of the Revision Application.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bonds.

- (iii) The applicant shall report to the Court of Judicial Magistrate, First Class, Gargoti, once in six months on the date specified by the learned Magistrate.
- (iv) Upon failure to report on any two consecutive dates, the prosecution will be at liberty to seek cancellation of bail.
- (v) At the time of furnishing the bail bonds, the applicant shall furnish the permanent address, cellphone number and other details.
- (vi) The applicant shall also furnish the permanent address and cellphone numbers of the surety.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)