

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

Criminal Revision [REVN] No.33 of 2015

(Sudhakar Bapurao Dhotre

vs.

The State of Maharashtra, through P.S.O. Yavatmal [Rural], District Yavatmal)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Mr. Mahesh Rai, Advocate for the Applicant.

Mr. M.J. Khan, A.P.P. for the Non-Applciant/State.

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 17, 2015.

Heard.

Mr. Mahesh Rai, the learned Counsel for the revision applicant submits that the applicant was charged for the offences punishable under Sections 325, 504, 506 read with Section 34 of the Indian Penal Code along with other accused viz. Babloo Dhotre. He submits that the learned Magistrate, Yavatmal in R.C.C. No.34/2007 recorded conviction to the applicant and other accused and the applicant was sentenced to suffer one year rigorous imprisonment along with fine for the offence punishable under Section 325 read with Section 34 of the Indian Penal Code and also to suffer two months rigorous imprisonment for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code, whereas the other accused was released under the provisions of the Probation of Offenders Act.

The applicant and the other accused approached the learned Sessions Judge by filing appeal bearing R.C.A. No.7/2008. The learned Sessions Judge could not find favour with this applicant and the appeal was dismissed. The learned Counsel for the applicant submits that the learned Magistrate failed to appreciate the evidence in its proper perspective and there was a variance in the testimony of the witnesses. He further submits that the applicant has raised other grounds also.

Admit.

Call for record and proceedings.

Criminal Application [APPR] No.43/2015 :-

Heard.

The learned Counsel for the applicant submits that the applicant has raised substantial grounds in the revision and is having every hope of success. He further submits that the sentenced awarded to the applicant can safely be said as short sentence. He further submits that the applicant was on bail and there is nothing on record that the applicant has misused the liberty granted to him. He, therefore, prays for allowing the application.

Considering the submission of the learned Counsel for the applicant, I am of the opinion that the applicant has made out a case for suspension of sentence and grant of bail.

In the result, the application is allowed.

The applicant be released on bail on his furnishing fresh bond in the same amount and on the same terms and conditions as they were during pendency of the trial. The substantive sentence imposed on the applicant by the trial Court shall remain suspended during pendency of the appeal.

The application stands disposed of as such.

JUDGE

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