

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

CRIMINAL APPLICATION (APPR) NO. 154 OF 2015
IN/AND
CRIMINAL REVISION APPLICATION NO. 126 OF 2015
(Ganesh Madhukarrao Rokde Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : V. M. DESHPANDE, J.
DATED : 15th OCTOBER, 2015

REVN.NO.126/2015 :

Heard Shri P. S. Jaiswal, learned Counsel for the applicant and Shri A. H. Laddhad, learned Additional Public Prosecutor for the respondent-State.

By the present revision, the applicant is challenging the judgment and order passed by learned Judicial Magistrate, First Class convicting him for the offence punishable under Sections 279, 337, 427 of the Indian Penal Code and Section 184 of the Motor Vehicles Act and the consequent sentence of three months and fine together with judgment and order passed by the Additional Sessions Judge, Nagpur in Criminal Appeal No. 235 of 2012 by which the learned lower appellate Court has dismissed the appeal filed on behalf of the applicant.

Rule.

Call record & proceedings.

APPR NO. 154/2015 :

Heard.

The applicant is in jail in view of his conviction in Summary Criminal Case No.392 of 2004 for the offence punishable under Sections 279, 337, 427 of the Indian Penal Code and Section 184 of the Motor Vehicles Act.

This Court has already admitted the revision filed on behalf of the applicant since it raises an arguable point in favour of the applicant.

The final hearing of the revision is not possible in the near future. The applicant was on bail throughout during the course of the trial as also during the pendency of appeal. Looking to the duration of the sentence imposed upon the applicant, I am of the view that discretion can be exercised in his favour for releasing him on bail. Hence, the following order.:

I) That the substantive jail sentence imposed upon the applicant in Summary Criminal Case No.392/2004 for the offence punishable under Sections 279, 337, 427 of the Indian Penal Code and Section 184 of the Motor Vehicles Act by

Judicial Magistrate, First Class, Narkhed and confirmed by the Appellate Court in Criminal Appeal No.235/2012 shall remain suspended during pendency of this revision.

II) Applicant Ganesh Madhukarrao Rokde be released on bail on his executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount before the appellate Court.

III) The Court, before whom the bail bond will be executed, shall ensure that fine amount is deposited or not.

IV) The applicant shall personally present before this Court at the time of final hearing of the revision.

The application is disposed of accordingly.

JUDGE