

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

CRIMINAL APPLICATION (APPR) NO. 155 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 127 OF 2015
(Ganesh Uttamrao Tale 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, 2014

The criminal revision, which questions the correctness of judgment and order of conviction passed by learned Judicial Magistrate, First Class, Balapur in Summary Criminal Case No. 301/2008 whereby the applicant was convicted for the offence punishable under Sections 279 of the Indian Penal Code and Section 184 of the Bombay Motor Vehicles Act, he was directed to suffer simple imprisonment for three months and to pay fine of Rs.500/- together with conviction for the offence punishable under Section 304-A of I.P.C. and on that count he was directed to suffer simple imprisonment for six months and to pay fine of Rs.1,000/-. A revision against the judgment and order passed by the learned Additional Sessions Judge, Akola in Criminal Appeal No. 16/2010 whereby the learned appellate Court partly

allowed the appeal filed on behalf of the present applicant and though maintained the conviction, has reduced the quantum of sentence from six months to three months, is already admitted by this Court on 08/10/2015.

On 08/10/2015, this Court has directed that application for suspension of substantive jail sentence and bail will be considered after the applicant surrenders himself to the custody. Accordingly, the applicant has surrendered before the learned Additional Sessions Judge, Akola and he has taken into the custody. The said application along with the order is placed on record and is marked as 'X' for the purposes of identification.

Since the revision is already admitted by this Court and the sentence is only for three months, I see no reason that the applicant should languish in jail when there is no possibility of the revision being taken up for its final hearing in near future.

Substantive jail sentence imposed upon the applicant by trial Court in Summary Criminal Case No. 301/2008 shall stand suspended during the pendency of the revision.

Applicant Ganesh Uttamrao Tale be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- with one solvent surety in the like amount.

Bail before the appellate Court.

The Court before whom the bail bonds will be executed shall ensure that the entire fine amount is paid.

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

With this, the application is allowed and disposed of.

JUDGE