

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLN/21/2016 IN REVN/4/2016

SHARAD S/O GUMAN MORE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr D S Bagul
APP for Respondents: Mr G O Wattamwar

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CORAM : V.K. JADHAV, J.
Dated: January 07, 2016

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PER COURT :-

1. The applicant was convicted for the offence punishable u/s 279 of the Indian Penal Code and sentenced to suffer R.I. For the period of three months and to pay fine of Rs.1,000/-, in default to suffer S.I. For one month. He is further convicted u/s 304-A of the Indian Penal Code and sentenced to suffer R.I. For a period of three months and to pay fine of Rs.2,000/-, in default to suffer S.I. for period of one month and also convicted under section 337 of the Indian Penal Code and 134 r/w 187 of the Motor Vehicles Act and sentenced him to pay a fine of Rs.500/-, in default to suffer S.I. For 15 days, for each section by the Trial Court. In the appeal before the Sessions Court, conviction and order of sentence is modified and the applicant is convicted under section 304-A of the Indian Penal Code and directed to suffer till rising of the Court and to pay compensation amount of Rs.2,25,000/- to the legal heirs of deceased Jayvantabai Pundalik by way of compensation under Section 357 (3) of the Code of Criminal Procedure and, further the applicant is convicted under section 279, 337 of Indian

Penal Code and under section 187 of the Motor Vehicles Act and sentenced to suffer till rising of the Court of each Section.

2. Learned counsel submits that during the trial, the applicant was on bail and even he was on bail during the pendency of the appeal before the Sessions Court. Learned counsel, on instructions, submits that, the applicant is ready to deposit 50% of the compensation amount as directed by the Sessions Court. In view of this, following order is passed.

O R D E R

1. Application is hereby allowed.
2. The substantive part of the sentence as modified by the learned Additional Sessions Judge, Dhule, in Criminal Appeal No. 117/2008 dated 13.10.2015 is hereby suspended till the disposal of the Criminal Revision Application No.04/2016 on the condition that the applicant shall deposit 50% of the compensation amount as awarded by the Additional Sessions Judge, Dhule within eight weeks from today, in this Court.
3. The applicant be released on bail on his furnishing a P.B. Of Rs.5,000/- (Rs. Five Thousand), with one surety of the like amount. Bail before the Trial Court.
4. Criminal Application is disposed of accordingly.

(V.K. JADHAV, J.)

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