

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

APPLN/364/2016 IN REVN/21/2016

VASANT MUKUNDRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr Chatterji Joydeep
APP for Respondents: Mr N B Patil

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CORAM : V.K. JADHAV, J.
Dated: January 19, 2016

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PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant is convicted by the Judicial Magistrate First Class, Ausa by order dated 23.11.2012 in STCC No.561/2008 for the offence punishable under section 336, 427, and u/s 3 of the Prevention of Damage to Public Property Act, 1984 and sentenced to suffer S.I. for 15 days and fine of Rs.500/- in default to suffer S.I. for 15 days for offence p/u/s 336 of IPC, to suffer S.I. for two months and fine of Rs.4,000/-, in default to suffer S.I. for two months for the offence p/u/s 427 of IPC and to suffer S.I. for five months and fine of Rs.5,000/-, in default to suffer SI for one month for the offence u/s 3 of Prevention of Damage to Public Property Act.

3. The learned Additional Sessions Judge, Latur by order dated 12.1.2016 in Criminal Appeal No.90/2012, partly allowed the said appeal and thereby upheld the order of conviction and sentence passed against the applicant/accused for the offence punishable under section 427 of the IPC and section 3 of the Damage to Public Property Act.

4. Learned counsel for the applicant submits that, the applicant has deposited the fine amount before the Trial Court. Learned counsel submits that the applicant/original accused was on bail during the trial and also during the pendency of the appeal.

5. In view of this, substantive part of the sentence passed by the Judicial Magistrate First Class, Ausa in STCC No.561/2008 and modified by the Additional Sessions Judge, Latur by order dated 12.1.2016 in Criminal Appeal No.90/2012 by allowing the appeal partly, is hereby suspended till the disposal of the Criminal Revision Application.

6. The applicant Vasant Mukundrao Suryawanshi be released on bail on his furnishing P.B. of Rs.5,000/- (Rs. Five

Thousand only), with one surety of the like amount.

7. Criminal application stands disposed of.

(V.K. JADHAV, J.)

aaa/-

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