

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

**CRIMINAL APPLICATION NO. 1248/2016
IN
CRIMINAL REVISION NO. 54/2016**

SUSHIL S/O. BABURAO SARWADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr S S Rathi
APP for Respondents: Mr N B Patil

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**CORAM : V.K. JADHAV, J.
Dated: February 26, 2016**

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PER COURT :-

1. The applicant/original accused has been convicted by the Judicial Magistrate First Class, Parli Vaijnath by order dated 13.10.2014 in SCC No.1109/2010 for the offence punishable u/s 353 of the Indian Penal Code and sentenced to suffer S.I. for six months and to pay a fine of Rs.5000/-, in default to suffer S.I. for three months. The learned Additional Sessions Judge, Ambajogai confirmed the said order passed by the Trial Court and accordingly dismissed the Criminal Appeal No.46 of 2014 by order dated 23.2.2016. Being aggrieved by the same, the applicant/original accused has preferred Criminal Revision Application No.

54/2016, which is admitted by this Court.

2. Learned counsel for the applicant submits that, during the course of the trial, and, even during the pendency of the appeal, the applicant/accused was on bail. Learned counsel further submits that the applicant/accused has deposited the fine amount before the Trial Court.

3. In view of this, following order is passed.

ORDER

- I. Criminal Application is hereby allowed.
- II. Substantive part of the sentence passed by the learned Judicial Magistrate First Class, Parli Vaijnath, District Beed dated 13.10.2014 in SCC No.1109 of 2010 and confirmed by the Additional Sessions Judge, Ambajogai in Criminal Appeal No.46/2014 is hereby suspended till the disposal of Criminal Revision Application No.54 of 2016.

III. The applicant SUSHIL S/O. BABURAO SARWADE be released on bail, on his furnishing P.B. of Rs.10,000/- (Rs. Ten Thousand), with one surety of the like amount.

IV. Bail before the lower court.

V. Criminal Application stands disposed of.

(V.K. JADHAV, J.)

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aaa/-