

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

**CRIMINAL APPLICATION NO. 1335 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.57 OF 2016**

CHAGAN S/O SANTU VALVI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr Wankhede Pratibha (Bharad)
APP for Respondents: Mr P N Kutti

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**CORAM : V.K. JADHAV, J.
Dated: March 02, 2016**

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PER COURT :-

1. Heard.
2. Issue notice to the Respondent State. Learned APP waives notice for the respondent State.
3. The applicant/original accused is convicted by the Judicial Magistrate (First Class), Nawapur by order dated 5.3.2014 in RCC No.138 of 2013 for the offence punishable under section 354 of the Indian Penal Code and is sentenced to suffer R.I. for three years and to pay fine of Rs.1,500/- (Rs. One Thousand Five hundred only), in default, to further undergo R.I. for one month. The applicant is also convicted for the offence

punishable u/s 354A(2) of the Indian Penal Code and is sentenced to suffer R.I. for three years and to pay fine of Rs.1,500/- in default, to further undergo R.I. for one month. The substantive sentences shall run concurrently. It is also directed that, the whole amount of fine, if recovered, shall be paid as compensation to the informant as per Section 357 (1) of the Code of Criminal Procedure.

4. The learned Additional Sessions Judge, Nandurbar by order dated 11.2.2016 confirmed the order passed by the Trial Court and accordingly, dismissed the Criminal Appeal No.16 of 2014.

5. Being aggrieved by the same, the applicant/original accused has preferred Criminal Revision Application No.57/2016 before this Court, and, the same is admitted by this Court, today only.

6. 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. Hence, following order.

O R D E R

- I. Criminal Application is hereby allowed.
- II. The substantive part of sentence passed by the learned Judicial Magistrate First Class, Nawapur dated 5.3.2014 in RCC No.138 of 2013 and confirmed by the Additional Sessions Judge, Nandurbar by order dated 11.2.2016 in Criminal Appeal No.16 of 2014 is hereby suspended till the disposal of the Criminal Revision Application.
- III. The applicant/accused CHAGAN S/O SANTU VALVI 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 Trial Court.
- V. Criminal Application is disposed of.

(V.K. JADHAV, J.)

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aaa/-