

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO. 1405 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 61 OF 2016

RAJENDRA S/O. HIRALAL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. C. R. Deshpande
APP for Respondent-State : Mr. P. N. Kutti
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CORAM : V. K. JADHAV, J.

DATED : 04th MARCH, 2016

PER COURT :-

1. The applicant-original accused is convicted by the Judicial Magistrate First Class, Nandurbar by order dated 10.06.2014 in S.T.C. No. 1043 of 2012 for the offence punishable under Section 304-A of IPC and sentenced to suffer R.I. for six months and to pay fine of Rs.500/-, i/d to suffer S.I. for one month. He is also convicted for the offence punishable under Section 279 of IPC and sentenced to suffer R.I. for four months and to pay fine of Rs.500/-, i/d to suffer S.I. for one month. He is also convicted for the offence punishable under Section 338 of IPC and sentenced to suffer RI for six months and to pay fine of Rs.500, i/d to suffer S.I. for one month. He is also convicted for the offence punishable under Section 184 of the Motor

Vehicles Act and sentenced to suffer imprisonment for three months and to pay fine of Rs.300/-, i/d to suffer S.I. for one month. The applicant is also convicted under Section 134 r/w 177 of the Motor Vehicles Act and sentenced to pay fine of Rs.100/-, i/d to suffer S.I. for 7 days. All the substantive sentences are directed to run concurrently. Learned Additional Sessions Judge, Nandurbar, by order dated 25.02.2016, confirmed the said order and accordingly, dismissed Criminal Appeal No. 25 of 2014.

2. Being aggrieved by the same, the applicant-original accused has preferred Criminal Revision Application No. 61 of 2016 before this Court and the same is admitted by this Court today.

3. Learned counsel for the applicant-accused submits that during the course of trial and even during pendency of the appeal, the applicant-accused was on bail. Learned counsel submits that the applicant-accused has also deposited the fine amount before the trial court.

4. In view of this, the following order is passed:

O R D E R

I. The Criminal Application is hereby allowed.

- II. The substantive part of the sentence passed by the Judicial Magistrate First Class, Nandurbar dated 10.06.2014 in S.T.C. No. 1043 of 2012 and confirmed by the Additional Sessions Judge, Nandurbar by order dated 25.02.2016 in Criminal Appeal No. 25 of 2014, is hereby suspended till the disposal of Criminal Revision Application No. 61 of 2016.
- III. The applicant-original accused Rajendra Hiralal Jaiswal be released on bail on his furnishing P.R. Bond or Rs.10,000/- (Rupees Ten Thousand only) with one surety in the like amount. Bail before the trial court.
- IV. The Criminal Application is accordingly disposed of.

(V. K. JADHAV, J.)

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