

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6740 O 2015
IN
CRIMINAL REVISION APPLICATION NO. 232 OF 2015

SMT. MULAYAMBI BISMILLA PATEL AND ANR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. S.R. Vakil h/f Mr. D.D. Chaudhari
APP for Respondents: Mr. G.O. Wattamwar
.....

CORAM : V. K. JADHAV, J.
DATED : 18th JANUARY, 2016

PER COURT:-

1. The applicants are the original accused Nos. 1 and 2 in R.C.C. No. 258 of 2006. The learned 5th Joint J.M.F.C. Jalgaon convicted both the applicants for the offence punishable under Section 323 of I.P.C. and sentenced them to suffer S.I. for two months and to pay fine of Rs.2500/- each i/d to suffer S.I. for 10 days. In criminal appeal No. 87 of 2011, the Additional Sessions Judge has partly allowed the appeal and reduced the fine amount from Rs.2500/- to Rs.1000/- each. The fine amount of Rs.2000/- is directed to be paid to the complainant as compensation.

2. The learned counsel submit that during trial and even during pendency of appeal, the applicants were on bail. In view of this following order is passed:-

O R D E R

- I. Criminal application is hereby allowed.
- II. The substantive part of sentence as passed by the learned Magistrate in R.C.C. No. 258 of 2006, dated 10.8.2011 and modified to the extent of fine and confirmed rest of the order by the Additional Sessions Judge, Jalgaon by order dated 7.12.2015 in criminal appeal No. 87 of 2011 is hereby suspended.
- III. The applicant No. 1. Smt. Mulayambi Bismilla Patel and the applicant No. 2. Bismilla Raheman Patel, be released on bail on their furnishing personal bond of Rs.5000/- each with one surety in the like amount.
- IV. Criminal application is disposed of accordingly.

(V. K. JADHAV, J.)

rlj/