

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 54 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 58 OF 2016

Shri Suresh Tukaram Deshmukh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Aniket Nikam, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : FEBRUARY 2, 2016

P.C.:

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

2 This is an application seeking suspension of substantive
sentence imposed upon the applicant. The applicant herein was
convicted for offence punishable under Section 353 of the Indian
Penal Code and sentenced to suffer R.I. for 3 months and to pay fine

of Rs. 1000/-. The applicant is also convicted for offence punishable under Section 279 of the Indian Penal Code and is directed to pay fine of Rs. 1,000/- by the chief Judicial Magistrate, Satara in Reg. Criminal Case No. 258 of 2008 vide Judgment and Order dated 17/2/2014. Being aggrieved by the said Judgment and Order, the applicant has filed Criminal Appeal No. 30 of 2014 before the Sessions Judge at Satara. By Judgment and Order dated 29/1/2016, the learned Sessions Judge has been pleased to partly allow the appeal. The applicant is convicted for offence punishable under Section 353 of the Indian Penal Code and is acquitted of the offence punishable under Section 279 of the Indian Penal Code. Hence, this application seeking suspension of substantive sentence.

3 The learned Counsel for the applicant submits that the applicant present at the time of Judgment and he has surrendered to the conviction warrant on 29/1/2016 and is in custody.

4 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and has not committed breach of any condition imposed upon him. It is submitted that both the courts below have not appreciated the evidence on record in its proper perspective and the same has resulted in miscarriage of justice.

5 The Revision Application has been admitted. The Revision Application is not likely to be heard in near future. In view of this, the applicant deserves to be enlarged on bail during the pendency of the revision application. Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail fresh bond.
- (iii) The applicant shall report to the Court of Chief Judicial Magistrate, Satara once in six months on the date specified by the

concerned Court. Upon failure to attend two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

(iv) The applicant shall furnish his residential address, contact number like, landline number, cellphone number etc. to the concerned court.

6 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)