

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.454 OF 2016
WITH
CRIMINAL APPLICATION NO.480 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.448 OF 2016

Sanjay Pandurang Patil .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Rajesh Khobragade, Advocate for the applicant.
Mrs.R.V.Newton, APP for the Respondent State.

CORAM : PN. DESHMUKH, J
DATED : 19th AUGUST 2016

P.C. :

1 Heard learned counsel for both sides.

2 Both these applications arise out of judgment passed by the learned Sessions Court dated 26th July 2016 whereby judgment of learned trial Court dated 19th March 2012 came to be confirmed.

3 Criminal Application No. 454/16 is filed for bail and Criminal Application No. 480/16 is filed for suspension of conviction and sentence imposed upon applicant.

4 Learned counsel for the applicant in support of application submitted that out of eight witnesses examined by prosecution, cross examination of six witnesses is declined by the applicant since his Advocate on record was not present. It is therefore, submitted that applicant was not effectively defended before the learned trial Court, which aspect has not been dealt with by the learned Sessions Court.

 It is thus contended that application be allowed by expediting the revision by remanding it back to the learned trial Court to consider afresh.

5 Learned APP opposed the application and has referred to medical evidence and has submitted that medical evidence corroborates with the evidence of eye witnesses on record.

6 Perused the record. Accused is found having been convicted for the offence under section 324 IPC, and is sentenced to suffer RI for three months, and to pay fine of Rs.1,000/- in default to suffer SI for 15 days.

 Appeal preferred by accused against said judgment came to be dismissed by the learned Sessions Court against which present revision is preferred.

7 Having considering the fact that applicant failed to effectively defend his case in the absence of his counsel, and as applicant is imposed with short term sentence, and as it is stated that applicant was on bail, pending trial, and also on considering the fact that it is no case of prosecution that applicant has misused

liberty granted to him, application is liable to be allowed as per order below.

O R D E R

Applicant shall be released on bail on his executing PR. Bond in the sum of Rs.15,000/- with one surety in like amount.

Applicant shall be released on provisional cash bail of Rs.15,000/- for a period of three weeks and shall furnish surety.

Applicant shall not indulge in any criminal act while on bail.

Considering the fact that six material witnesses are not cross-examined for want of presence of learned Advocate for the applicant before the learned trial Court, Revision is expedited.

Applicant, while on bail, shall mark his presence with Uran Police Station on 15th day of each month in alternate months until further orders.

(PN. DESHMUKH, J)