

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.492 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.484 of 2016

Dipak Dnyandeo Ghorpade .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Mahindra B. Deshmukh, Advocate for the applicant.
Mrs.M.R.Tidke, APP for the Respondent State.

CORAM : PN. DESHMUKH, J
DATED : 26th AUGUST 2016

PC. :

1 This application is filed for suspension of sentence imposed upon applicant and for grant of bail who is found convicted by the learned JMFC, Kadegaon for the offence punishable under section 323 of the IPC, and is sentenced to suffer RI for 1(one) year and to pay fine of Rs.500/- in default to suffer SI for 15 days.

2 Appeal filed against order of conviction came to be dismissed by the learned Addl. Sessions Judge, Sangli.

3 It is the case of applicant that except for evidence of complainant, there is no independent witness examined by prosecution, though according to its case, the incident of assault took place on the road. It is further contended that though it is

the case as revealed from the evidence of complainant that accused in the course of some transaction has beaten him, from the evidence of Doctor who is examined as PW 4, it cannot be said that the bite mark found on the left arm of complainant was that of applicant only, as PW no.5 – Investigating Officer, admittedly, has not taken teeth mark of accused, and thus, could not sought opinion of Medical Officer by sending such teeth mark to him so as to confirm if the injury caused was due to the teeth mark of accused alone.

4 Admittedly, applicant has paid fine amount of Rs.500/-, and has surrendered before the Sessions Court on rejection of his Appeal, and is since then in jail.

5 Considering evidence as aforesaid, and as applicant is convicted for one year, application is allowed by suspending substantive sentence as per order below.

ORDER

Applicant shall be released on bail on his executing PR Bond in the sum of Rs.20,000/- with one surety in like amount.

Applicant shall mark his presence with Chinchwangane Police Station, District Sangli once in three months on first day of each month.

Applicant shall produce proof of his residence.

Applicant shall not change place of his residence and in the event if any change is effected, he shall inform the same to the concerned Police Station.

(PN. DESHMUKH, J)