

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.574 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.568 OF 2016**

Mahadev Kundlik Jadhav & Anr. ... **Applicants**
V/s.
The State of Maharashtra ... **Respondent**
.....

Mr.Kedar J. Patil, Advocate for the Applicants
Mr.A.R.Kapadnis, APP for the Respondent/State.

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CORAM : P. N. DESHMUKH J.

DATED : 13th OCTOBER 2016.

P.C.

1 Issue notice to respondent. Learned Additional Public Prosecutor accepts notice on behalf of respondent/State.

2 Learned counsel for applicants seeks suspension of sentence and bail contending that the injuries sustained by complainant are stated to be simple in nature and they are convicted by the trial Court for the offence punishable under Sections 324 read with Section 34 of the Indian Penal Code (In short “the IPC”) and 323 read with Section 34 of the IPC, against which appeal preferred is dismissed and on dismissal of appeal, applicants are taken into custody.

3 Record reveals that both the applicants came to be convicted by the trial Court for the offence punishable under Section 324 read with Section 34 of the IPC and are sentenced to suffer simple imprisonment for one year each and to pay fine of Rs.1,000/- each in default to suffer simple imprisonment for one month. Applicants are also convicted for the offence punishable under Section 323 read with Section 34 of the IPC and are sentenced to suffer simple imprisonment for three months each and to pay fine of Rs.500/- each, in default to suffer simple imprisonment for one month. Both the sentences are directed to run consecutively. Appeal preferred came to be dismissed. Record reveals that applicants are involved by injured Jagannath, who is stated that when he inquired with the applicant - Mahadev as to why he has untied his buffalo, he pushed him due to which he fell down. At that time Netaji arrived on the spot and snatched pickaxe from Mahadev, assaulted by it on his left thigh. It is further stated that both the applicants also assaulted wife of Jagannath - the complainant, when she intervened to rescue them by kick blows and stones. Medical evidence reveals that injured is certified to have sustained simple injuries by hard and blunt object.

4 Considering the facts, as aforesaid, and the short sentence imposed upon applicants, who admittedly were on bail pending trial, application is allowed by suspending the substantive sentence and releasing applicant on bail as per order below :

- i) Applicants shall be released on bail on their executing personal bonds in the sum of Rs.10,000/- each with one surety each in the like amount.

- ii) Applicants, while on bail, shall mark their presence with Tasgaon Police Station, District-Sangli once in six months pending Revision.

(P. N. DESHMUKH J.)