

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

20 CRIMINAL APPLICATION NO. 1168 OF 2017
IN REVN/66/2017 WITH REVN/66/2017

RAOSAHEB S/O ASARAM KHEMNAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Narayan B. Narwade.

APP for Respondent : Mr. A. P. Basarkar.

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CORAM : K.K. SONAWANE, J.

DATED : 31ST JULY, 2017.

Order :-

Heard learned counsel for the applicant. Issue notice to the respondent. Learned A.P.P. waives for the respondent State.

2. Learned counsel for the applicant submits that, the learned trial Court convicted the applicant for the offence punishable under section 420 read with section 34 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment of 01 (one) year and to pay a fine of Rs.1,000/-, in default, to suffer further Simple Imprisonment for 02(two) months. The applicant-accused aggrieved with the findings of conviction of learned Magistrate, approached to the learned Sessions Judge to redress

his grievances. After hearing, learned Sessions Judge, Ahmednagar dismissed the appeal and confirmed the findings of conviction recorded by the learned trial Court. After impugned Judgment in Criminal Appeal No. 31 of 2015 passed by learned Sessions Judge, Ahmednagar the applicant is in jail to serve out the punishment/sentence.

3. According to learned counsel for the applicant, he has been involved in this case falsely without any cogent evidence. The applicant-appellant was on bail during the course of trial as well as pending the appeal. The applicant has already deposited fine amount of Rs.1,000/-. The applicant has not mis-used the liberty granted by the learned trial Court. Therefore, he requested to release the applicant on bail, pending Criminal Revision.

4. Learned A.P.P. raised objection and submits that there are concurrent findings of guilt of the applicant, and therefore, he may not be released on bail.

5. Considering the nature of subject-matter and gravity of the allegations, I do not find any impediment to release the applicant on bail pending this criminal revision application. He has also deposited the fine amount and also there are no any circumstances that the he has mis-used the liberty pending proceedings before the learned trial Court. In view of short term-sentence, it would just and proper to suspend the sentence and

release the applicant on bail. In case, the sentence is allowed to run against the applicant, the very purpose of filing the Criminal Revision Application would be frustrated. Hence, I have no hesitation to allow the application. The substantive sentence of imprisonment imposed by the learned trial Court as well as confirmed by the learned Additional Sessions Judge against the applicant for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, is hereby suspended till further order. Meanwhile, the applicant be released on bail on his furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand Only) with one solvent surety in like amount. Bail before the learned trial Court. It is stipulated that the applicant shall attend the proceedings regularly.

5. Accordingly, application stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.