

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

CRIMINAL REVISION APPLICATION NO. 70 OF 2017

Uttam S/o Pralhad Randive,
Age : 37 years, Occu. Labourer,
R/o. Wilegaon, Tq. Deoni,
Dist. Latur.

... Applicant

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Deoni, Dist. Latur.

2. Kachrubai W/o Venkat Randive,
Age : 54 years, Occu. Labourer,
R/o. Wilegaon, Tq. Deoni,
Dist. Latur.

... Respondents

.....
Mr Sunil M. Vibhute, Advocate for the applicant
Mr K. D. Mundhe, APP for respondent/State
.....

WITH
CRIMINAL APPLICATION NO. 1210 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 70 OF 2017

CORAM : V. L. ACHLIYA, J.
DATE : 6TH MARCH, 2017.

PER COURT:

. Being aggrieved by the Judgment & Order passed by the court below convicting the appellant u/s 294 of IPC, the applicant has preferred this revision application.

2. Mr Vibhute, learned counsel for the applicant submits that there is no cogent, convincing and reliable evidence to sustain the conviction. He submits that, there is complete non-application of mind and improper appreciation of evidence on the part of the court below which has resulted into causing serious miscarriage of justice to the applicant. It is pointed out that, there is no consistency as to the material facts deposed by PW1-Kachrubai/Complainant and PW2 & PW3, the witnesses to the incident examined to corroborate the testimony of Kachrubai-PW1.

3. Having regard to the submissions advanced, I am of the view that the case is made out to entertain the revision application. Hence the following order.

ORDER

(I) **Rule.**

(II) Call for Record & Proceedings.

(III) Pending disposal of revision application, the execution of substantive sentence stands suspended from the date of release of the applicant on bail.

(IV) Pending disposal of the revision application, the applicant be released on bail on his furnishing bail in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety

in the like amount, on condition to attend Deoni Police Station, Dist. Latur, once in a month in between 10:00 to 11:00 AM.

(IV) Bail to be furnished in the trial Court.

(V) Authenticated copy of the order be issued to applicant.

4. Put up the matter with Record & Proceeding on 03.04.2017.

[V. L. ACHLIYA, J.]

sgp