

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

**CRIMINAL APPLICATION NO.1859 OF 2017 IN
CRIMINAL REVISION APPLICATION NO. 100 OF 2017**

**KAILAS HUKUM NIKALJE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

...
**Advocate for Applicants : Kakde Yuvraj V.
APP for Respondents: Mr.K.N.Lokhande
Adv.Mr.S.S.Panhale, for R.2.**
...

**CORAM : V.L.ACHLIYA, J.
DATE : 19/04/2017**

PER COURT :-

The applicants have filed this application seeking suspension of sentence awarded by the trial Court and confirmed in Appeal by Sessions Court. The applicants were convicted u/s 323, 498-A r/w 34 of IPC. As against the judgment and order of conviction, applicants preferred appeal before Sessions Court, Ahmednagar. The appeal came to be dismissed and the judgment and order passed by trial Court confirmed in Appeal. Being aggrieved, applicants have preferred this Revision Petition.

2] In nutshell, it is contention of the learned counsel for the applicants that offence came to be registered on account of matrimonial dispute between the wife of applicant no.1 and daughter in law of applicant no.2. During the pendency of appeal, at the intervention of relatives and close friends of accused as well as complainant, settlement has arrived. Since last two years, the

complainant is residing with applicant no.1 at Pune and living happy marital life. The Appellate Court was informed about the development taken place during the pendency of appeal. However, the applicants could not remain present to record the compounding of offence. In this background, the learned counsel urged to suspend the sentence.

3] Having regard to the submissions advanced and further taken note of the fact that the complainant and accused no.1 are living together and living happy marital life, I am inclined to allow the application in terms of prayer clause [C]. Pending disposal of Criminal Revision Application the substantive sentence stands suspended and applicants be enlarged on bail on their furnishing bail in the sum of Rs.5000/- (Rs.Five Thousand only) each with one surety in like amount.

(V.L.ACHLIYA,J.)

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