

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

**CRIMINAL APPLICATION NO. 2435 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 121 OF 2017
WITH
CRIMINAL REVISION APPLICATION NO. 121 OF 2017**

1. Baburao Dagdoba Nagargoje
Age: 73 years, Occu.: Agri.,
R/o Sonawal, Tq. Jalkot,
Dist Latur.
2. Balu Baburao Nagargoje
Age: 44 years, Occu.: Agri.,
R/o As above. ..APPLICANTS

VERSUS

State of Maharashtra
Through Police Station,
Wadhona, Tq. Udgir, Dist. Latur. ..RESPONDENT

Mr. V.D. Gunale, Advocate for applicants.
Mr. A.P. Basarkar, A.P.P. for respondent – State.

**CORAM : SANGITRAO S. PATIL, J.
DATE : DECEMBER 19, 2017**

PER COURT :-

By this criminal revision application, the applicants have challenged their conviction for offences punishable under Sections 353 and 332 read with 34 of Indian Penal Code recorded by trial Court on

09th May, 2008 and confirmed by appellate Court on 21st April, 2017. Applicant no.1 has been convicted for sentence to suffer rigorous imprisonment for two years and to pay fine of Rs.5,000/- with default stipulation. He has deposited the fine amount. Accuse no.2 has been extended the benefit of probation.

2. The learned Counsel for the applicants submits that the applicants were on bail during trial as well as during pendency of appeal before the first appellate Court. They have challenged their conviction on various grounds. They are hoping successes in appeal. He, therefore, submits that the substantive sentence of imprisonment passed against Applicant no.1 may be suspended during pendency of this criminal revision application and the criminal revision application may be admitted.

3. The learned A.P.P. opposed the application.

4. There is no dispute that the applicants were on bail during the trial as well as during the pendency of appeal before the Sessions Court. They have challenged their conviction on various legal as well as factual grounds. They will have to be extended an opportunity to substantiate their grounds of objection against their conviction and sentence. Therefore, I think fit to admit the criminal revision application, since the applicants were on bail during pendency of trial as well as appeal before Sessions Court. Considering the quantum of punishment as well as grounds of objection taken by the applicants against their conviction, I am inclined to suspend the sentence of imprisonment and admit criminal revision. Hence the following order :-

ORDER

- 1) The substantial sentence of imprisonment passed against applicant no.1 shall remained stayed during pendency of this criminal revision application, on his furnishing P.R.

bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.

- 2) Bail bond shall be furnished before the trial Court within one week from today.
- 3) Inform the trial Court accordingly.
- 4) Criminal Application No.2435 of 2017 is accordingly disposed of.
- 5) Authenticated copy of the order be given to the learned Counsel for the applicant, at his request.
- 6) **Admit** the criminal revision application.
- 7) Registry shall take steps to get prepared the paper book.

[**SANGITRAO S. PATIL**]
JUDGE