

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

901 CRIMINAL REVISION APPLICATION NO. 131 OF 2017
WITH
CRIMINAL APPLICATION NO.2742/2017 IN REVN/131/2017

SARFARAJ KHAN AMIRULLA KHAN
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent State: Mr.S. J. Salgare

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr. Karpe, learned counsel for the applicant and Mr. Salgare, learned APP for the State.
2. Issue notice to the respondent. Learned APP waives notice for the respondent State.
3. Judgment and order dated 01.06.2017 passed by the learned Sessions Judge, Ahmednagar in Criminal Appeal No. 125/2014 is under challenge in the present Revision. By the impugned order, the applicant/accused is sentenced to suffer simple imprisonment for six months and to pay fine of Rs.5,000/-. The learned Sessions Judge has modified the sentence awarded by the Judicial Magistrate, First Class, Ahmednagar.

4. Mr. Karpe, the learned counsel for the applicant points out that the trial court has relied upon the sole testimony of the prosecutrix. Witnesses examined on behalf of the the prosecution are not supporting the case of prosecution. As against this, Mr. Salgare, learned APP submits that the testimony of the prosecutrix is relied upon. There was no reason for her to depose falsely against the present applicant. The applicant has deposited the fine amount.

5. Looking to the rival submissions of both the sides, legality and propriety of the judgment and order under challenge needs to be scrutinized. The Criminal Revision is **Admitted**. Call for record and proceedings.

6. In view of the above, the applicant shall be released on bail on his furnishing personal bond of Rs.10,000/-(Rupees ten thousand) with one solvent surety of like amount, till disposal of the criminal revision application.

7. Criminal Application No.2742/2017 is accordingly disposed of.

(K. L. WADANE, J.)

JPC