

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.24 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.28 OF 2017**

Dinkar Pandurang Navale

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Sachin Deokar i/b. Mr. V.V. Purwant for the Applicant.

Mr. Shahajirao Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 1st SEPTEMBER, 2017.

P.C.:-

By this application, the Applicant has sought bail and suspension of execution of substantive sentence imposed vide judgment dated 20th May, 2015 in Criminal Case No.11 of 2010 on the file of the learned Judicial Magistrate, First Class, Jawhar, District-Thane.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant was prosecuted for offences punishable

under Sections 452, 354, and 506 of the IPC. By judgment dated 20th May, 2015 the learned J.M.F.C. has held the Applicant guilty of the said offences. The Applicant has been sentenced to under go maximum sentence of rigorous imprisonment for two years in respect of the offence punishable under Section 452 of the IPC. Besides, the Applicant is sentenced to undergo rigorous imprisonment for one year in respect of the offence punishable under Section 354 and rigorous imprisonment for six months for offence punishable under Section 506 of the IPC. All the sentences are to run concurrently. The Applicant has also been ordered to pay total fine amount of Rs.4,000/-. Being aggrieved by the same the Applicant preferred Criminal Appeal No.123 of 2015, which has been dismissed by the learned District Judge-4 and Additional Sessions Judge, Thane vide judgment dated 27th December, 2016.

4. The learned counsel for the Applicant has submitted that the Applicant has already deposited the fine amount.

5. The Applicant is sentenced to suffer short term imprisonment which is for a maximum period of two years. The Applicant is in custody since 27.12.2016. He has already undergone substantive part of the sentence. The Revision is of the year 2017.

Considering the large pendency of the cases, the Revision is not likely to come up for hearing in the next couple of years. Rejecting the prayer of the Applicant for suspension of sentence pending Revision will result the Applicant undergoing the imprisonment even before his Revision is heard on merits. Considering this fact as well as the nature of offence and the evidence in support thereof, this is a fit case to release the Applicant on bail by suspending the execution of substantive sentence pending hearing and final disposal of the Revision. Hence, following order is passed:

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed on the Applicant in Criminal Case No.11 of 2010 by the learned Judicial Magistrate, First Class, Jawhar, District-Thane and confirmed by the Additional Sessions Judge, Thane, in Criminal Appeal No.123 of 2015 is suspended till final hearing and disposal of the Revision;
- (iii) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.20,000/- with one surety to the like amount to the satisfaction of the learned J.M.F.C., Thane;

- (iv) The Applicant shall not interfere with the victim
in any manner.

(ANUJA PRABHUDESSAI, J.)