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

***CRIMINAL REVISION APPLICATION NO.107 OF 2017
WITH
CRIMINAL APPLICATION NO.109 OF 2017
(FOR BAIL)***

***IN
CRIMINAL REVISION APPLICATION NO.107 OF 2017***

Bharat Nivaruti Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Ritesh Thobde a/w Mr.S.S.Tambe, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Learned APP waives service

on behalf of Respondent – State.

3. Learned Counsel for the applicant does not press this Revision on merits and only presses the application on the point of sentence. He submits that the applicant be released on undergone sentence, which is about 7 months.

4. Perused the papers. The applicant was charge-sheeted for an offences punishable under Sections 354 and 504 of the Indian Penal Code. During trial, the applicant pleaded not guilty and claimed to be tried. The prosecution in support of its case examined 4 witnesses. After hearing the parties, the learned Judicial Magistrate First Class, Mohol, District Solapur, vide Judgment and Order dated 11th July, 2014, passed in STC No.685 of 2010, was pleased to convict the applicant for the offence punishable under Section 354 of the Indian Penal Code and was pleased to sentence the applicant to suffer R.I. for 1 year. As far as offence under Section 506 of the Indian Penal Code was concerned, the applicant was acquitted from the said offence. The applicant challenged his conviction under Section 354 of the Indian Penal Code, before the learned Additional

Sessions Judge, Solapur, by filing an appeal, being Criminal Appeal No.67 of 2014. The learned Additional Sessions Judge, after hearing the parties was pleased to confirm the conviction of the applicant for the offence punishable under Section 354 of the Indian Penal Code and dismissed the applicant's appeal. Hence, this Revision.

5. Learned Counsel for the applicant does not press this Revision on merits. He however, submits that the applicant be released on undergone sentence, which is about 7 months.

6. The evidence of the complainant shows, that she had gone to the agricultural field on 3rd March, 2010 at about 9.00 a.m. alongwith her sister-in-law and mother-in-law, when the incident took place. She has stated that as the ladies, i.e. herself, her sister-in-law, co-sister and mother-in-law were feeling thirsty, she went to bring water from the well. She has stated that the applicant, who was standing there, told her that he will give her water and took the pot from her hands. She has stated that in doing so, the applicant held her hand and touched her inappropriately. She has stated that as she started shouting, her mother-in-law and others gathered at the

spot, pursuant to which, the aforesaid complaint was lodged. The applicant has been in custody since, 5th February, 2017 and has undergone almost 7 months of his sentence.

7. Considering the aforesaid, the Revision Application is partly allowed. The sentence of one year imposed by the trial Court and confirmed by the Sessions Court is quashed and set aside and the applicant is released on undergone sentence.

8. Rule is made absolute in the aforesaid terms.

9. In view of the aforesaid, the Bail Application being Criminal Application No.109 of 2017 does not survive and the same is also disposed of.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)