

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

**CRIMINAL APPLICATION NO.396 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.419 OF 2017**

Balasaheb Ranganath Vasekar & Ors.	...Applicants
Versus	
State of Maharashtra	...Respondent

....

Mr. Jaydeep D. Mane for the Applicants.
Mrs. M.R. Tidke, APP for the Respondent -State.

CORAM :SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th AUGUST, 2017.

P.C.:-

The Applicants, who are the accused Nos. 1, 3 to 5 in R.C.C. No.26 of 2000 have been held guilty and sentenced of offences punishable under sections 147, 148, 323, 326 r/w 149 of the Indian Penal Code. The conviction and sentence was challenged in Criminal Appeal No.2 of 2007. While upholding the conviction the learned Additional Sessions Judge, Solapur reduced the sentence awarded by the learned Judicial Magistrate, First Class, Mohol. In terms of order dated 24.7.2017 of the learned Additional Sessions Judge, Solapur, the Applicants are required to undergo maximum sentence of imprisonment of three months for offence punishable under section

326 of the IPC and to pay total fine amount of Rs.2,500/- each.

2. Mr. Jaydeep Mane, the learned counsel for the Applicants submits that the Applicants have already deposited the fine amount before the Sessions Court, Solapur.

3. As stated earlier, the Applicants are sentenced to undergo imprisonment for a maximum period of three months. The Revision is of the year 2017. Considering the large pendency of the cases, the Revision is not likely to come up for final hearing in the next couple of years. Hence, rejection of prayer to suspend the execution of substantive sentences will result the Applicants undergoing the imprisonment even before their Revision is decided on merits. The records reveal that the Applicants have already undergone sentence for a period of one month. Under the above facts and circumstances, following order is passed :-

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are ordered to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand only) each with one surety to the like

amount to the satisfaction of the learned Additional Sessions Judge, Solapur;

- (iii) The Applicants shall furnish their permanent as well as local address, if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court.

(ANUJA PRABHUDESSAI, J.)