

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 475 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 484 OF 2017**

Devidas Shivaji Salgar	...Applicant
Versus	
Sangita Avinash Kharat & Ors.	...Respondents
Mr. Anand Shrikant Kulkarni for the Applicant	
Mr. S. S. Pednekar, A.P.P for the Respondent-State	

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid Revision.
3. The applicant has been convicted for the offences punishable under Sections 279, 304-A, 337, 338 of the Indian Penal Code and under Section 134(a)(b) and 183 of the Motor Vehicles Act, and sentenced vide

Judgment and Order dated 23rd August, 2017, passed by the learned Judicial Magistrate, First Class, Solapur, in Summary Trial Case No. 3908 of 2007, as under :

- for the offence punishable under Section 279 of the Indian Penal Code, to suffer RI for 6 months and to pay a fine of Rs. 500/-, in default, to suffer RI for 15 days;
- for the offence punishable under Section 304-A of the Indian Penal Code, to suffer RI for 2 years and to pay a fine of Rs. 1,000/-, in default, to suffer RI for 3 months;
- for the offence punishable under Section 337 of the Indian Penal Code, to suffer RI for 1 month and to pay a fine of Rs. 500/-, in default, to suffer RI for 8 days;
- for the offence punishable under Section 338 of the Indian Penal Code, to suffer RI for 6 months and to pay a fine of Rs. 500/-, in default, to suffer RI for 1 month;
- for the offence punishable under Section 134(a)(b) of the Motor Vehicles Act, to pay a fine of Rs. 100/-, in default, to suffer RI for 8 days;

(The substantive sentences are directed to run concurrently).

4. The said judgment and order was confirmed in appeal being Criminal Appeal No. 50 of 2011 by the learned Additional Sessions Judge, Solapur vide judgment and order dated 7th September, 2017. Learned Counsel for the applicant submits that the applicant was on bail pending the trial and has not abused or misused the conditions of bail.

5. Learned A.P.P does not dispute the same.

6. Perused the papers. The Revision has been admitted by a separate order passed today. The sentence imposed is a short term sentence. The Revision is not likely to be heard in near future. The applicant was on bail pending trial and has not misused or abused the conditions of bail.

7. Accordingly, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the Revision, on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/-, with one or two sureties in the like amount;

8. The application is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.