

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.780 OF 2016

AND

CRIMINAL APPLICATION NO.781 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.714 OF 2016

BHAGWAN S/o.VASANT ROKDE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Babita Pandey, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th JANUARY 2017.

P.C. :

1 These are applications for suspension of sentence and for releasing the revisional applicant / original accused on bail during pendency of the revision application.

2 Heard the learned counsel appearing for the revisional applicant / accused. She argued that the revisional applicant has

already surrendered before the police and he is arrested and is lodged in the prison for undergoing the sentence. The learned counsel further argued that considering the short sentence imposed on the revisional applicant, he be released on bail during pendency of the revision application.

3 The learned APP argued that, infact, the revisional applicant is wrongly acquitted of the offence punishable under Section 304A of the IPC and therefore he does not deserve any relief.

4 Perused the record made available. The revisional applicant / accused was convicted of the offence punishable under Section 279 and 304A of the IPC by the learned trial court vide judgment and order dated 5th February 2015. That order was carried in appeal. The revisional applicant was acquitted of the offence punishable under Section 304A of the IPC by the appellate court. However, conviction and sentence imposed upon him by the trial court for the offence punishable under Section 279 of the

IPC was maintained. It is seen that the revisional applicant is sentenced to suffer simple imprisonment for 3 months and to pay a fine of Rs.1,000/-, in default, to undergo further simple imprisonment for 7 days, for the offence punishable under Section 279 of the IPC.

5 Considering the short sentence imposed upon the revisional applicant and the fact that the revision application is not likely to be heard in near future, the substantive sentence of imprisonment imposed upon the revisional applicant deserves to be suspended. Therefore, the order :

- i) Both the applications are allowed.
- ii) During pendency of the revision application, substantive sentence of imprisonment imposed upon the revisional applicant is suspended and he is directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.
- iii) Parties to rely on an authenticated copy of this order.

(A. M. BADAR, J.)