

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPR) NO.63 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.41 OF 2017

Gyaniram s/o Martand Jambulkar

..VS..

The State of Maharashtra, through Police Station Officer, Arjuni Morgaon, District Gondia

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Mrs. S.P. Kulkarni, Counsel for the applicant (appointed).
Shri N.R. Rode, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : JUNE 22, 2017.

Learned counsel Mrs. S.P. Kulkarni is appointed by the High Court Legal Services Sub Committee at Nagpur to represent the applicant since he is unable to engage services of private Advocate.

The applicant was convicted by learned Judicial Magistrate First Class, Arjuni Morgaon in Regular Criminal Case No.55 of 2008 on 17.12.2014 by which learned Magistrate convicted the applicant for the offence punishable under Section 326 of the Indian Penal Code and directed that he should suffer simple imprisonment for three years and to pay a fine of Rs.5,000/- and in default to suffer simple imprisonment for one month.

Feeling aggrieved thereby, the letter was sent to learned Sessions Judge and said letter was treated as an appeal by the appellate Court as could be seen from the observations made by learned Sessions Judge in judgment in paragraph No.3 in that behalf.

Learned Sessions Judge dismissed the appeal on 16.12.2015. Therefore, the present revision was filed. The present revision is already admitted by this Court on 22.3.2017.

Criminal Application No.63 of 2017 is filed in the present revision for suspension of substantive jail sentence and for grant of bail.

After hearing learned counsel Mrs. S.P. Kulkarni appointed for the applicant and learned Additional Public Prosecutor for the State, it is clear that the applicant is in jail from 17.12.2014 and the jail sentence, which he is required to be served out, is three years.

The revision is already admitted.

Thus, the applicant has already served more than half sentence, and looking to pendency of criminal revisions, this revision could not be taken for its final hearing in near future.

In that view of the matter, the present application is allowed.

The substantive jail sentence imposed upon the

applicant by learned Magistrate, Arjuni Morgaon in Regular Criminal Case No.55 of 2008 on 17.12.2014, which is confirmed by the appellate Court in Criminal Appeal No.1 of 2015 dated 16.12.2015, is hereby suspended during the pendency of the present revision.

The applicant be released on bail on he executing a P.R. Bond of Rs.500/- with one solvent surety.

The bail bond to be executed in the Court of learned Sessions Judge, Bhandara.

The criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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