

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

CRIMINAL REVISION NO. 93 OF 2017

(Hemant S/o Sadashiv Wabhitkar..vs..State of Maharashtra, through P.S.O.P.S.Jalalkheda)

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

Court's or Judge's orders.

Shri G.B.Hemke, Advocate for applicant.
Miss T.H.Udeshi, A.P.P. for State.

CORAM : V.M. DESHPANDE, J
DATED : JULY 13 , 2017

Issue notice to the State. Returnable after four weeks. The learned A.P.P. waives the service of notice on behalf of respondent. Call record and proceedings.

CRIMINAL APPLICATION (APPR) NO.122/2017

The present applicant is convicted by the learned J.M.F.C.Narkhed on 6/11/2012 in S.C.C.No.224/2007 by which he has convicted the applicant for the offence punishable under Sections 279, 337 and 338 of the Indian Penal Code and Section 184 of Motor Vehicles Act and is directed to suffer S.I. for three months and to pay fine of Rs.600/- and in default of payment of fine suffer further S.I. for one month for the offence punishable under Section 279 of the Indian Penal Code.

The applicant is further directed to suffer S.I. for three months and to pay fine of Rs.600/- and in default of

payment of fine suffer further S.I. for one month for the offence punishable under Section 337 of the Indian Penal Code. The applicant is also directed to suffer S.I. for six months and to pay fine of Rs.1000/- and in default of payment of fine suffer further S.I. for two months for the offence punishable under Section 338 of the Indian Penal Code. He is further directed to pay fine of Rs. 1000/- and in default of payment of fine suffer further S.I. for two months for the offence punishable under Section 184 of the Motor Vehicles Act.

The Criminal Appeal No. 281/2012 which was carried against the said judgment and order of conviction was dismissed by learned Additional Sessions Judge-16, Nagpur on 4/7/2017.

Heard learned counsel for applicant. He submits that applicant is a Government employee and there is no possibility that he will not be available to the Course of justice. He submits that applicant is taken into custody on 4/7/2017 and since then he is in jail.

It is also submitted by learned counsel for applicant that when the applicant was on bail during the course of trial and during the pendency of the appeal and at no point of time he has misused the liberty. The submission is made by the learned counsel for applicant that the entire fine amount is already deposited. This Court has already issued notice and call record and proceedings. In view of the fact that applicant is Government servant and there is no possibility that he will avoid the course of law in my view, it is a fit case wherein I should exercise power so as to

suspend the substantive jail sentence imposed upon the applicant and to release him on bail on his furnishing P.R. Bond of Rs. 5000/- with one solvent surety in the like amount. The bail bonds be executed before learned Additional Sessions Judge-16,Nagpur .

Put up this matter for admission after receipt of the record and proceedings.

JUDGE

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