

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

CRIMINAL REVISION NO. 96 OF 2017

(Balu S/o Bhaurao Ingale..vs.. State of Maharashtra, through PSO.PS.Gadge nagar, Amravati)

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

Court's or Judge's orders.

Shri V.L.Navlani, Advocate for applicant.

Shri R.S.Nayak, A.P.P. for State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 20, 2017

Heard learned counsel for the applicant and
learned A.P.P. for State.

Admit.

Call record and proceedings.

CRIMINAL APPLICATION (APPR) NO.128 OF 2017

This is an application for suspension of jail
sentence and for bail.

2. On 10/10/2013, the learned J.M.F.C.(Court no.4), Amravati in S.C.C.No.377/2010 convicted the applicant for the offence punishable under Section 448 of the Indian Penal Code and directed to suffer S.I. for one year. He was also convicted for the offence punishable under Section 354 of the Indian Penal Code, on that count also he was directed to suffer S.I. for one year. Being dissatisfied with the said order and judgment Criminal Appeal No.194/2013 was preferred before learned Additional Sessions Judge-2, Amravati. The

learned Additional Sessions Judge-2,Amravati on 11/7/2017 though dismissed the criminal appeal modified the sentence thereby reducing the sentence from one year to three months on both counts and also directed to pay the amount of fine.

3. Today the Court has admitted the revision. Looking to the fixed duration of the sentence and the fact that the applicant was on bail during the course of trial as well as during the pendency of the appeal and at no point of time he has misused the liberty of bail. Coupled with evaluation of the evidence which shows the prima facie case in favour of the present applicant. Hence, I pass the following order.

ORDER

- I) The application is allowed.
- II) The substantive jail sentence imposed upon the applicant by the learned Additional Sessions Judge-2,Amravati on 11/7/2017 in Criminal Appeal No.194/2013 shall remain suspended during the pendency of the present revision.
- III) The applicant be released on bail on his executing P.R.Bond of Rs. 5000/- with one solvent surety in the like amount before learned Additional Sessions Judge-2, Amravati.
- IV) The learned Additional Sessions Judge-2, Amravati before whom the bail bonds will be executed shall

ensure that entire fine amount is deposited by the applicant.

- V) The applicant to remain present before this Court at the time of final hearing.
- VI) With this the application is disposed of.

JUDGE

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