

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

CRIMINAL REVISION APPLICATION NO. 133 OF 2017

(Santosh Rameshwar Bhoyar..vs..State of Maharashtra, through PSO.PS.Washim)

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

Court's or Judge's orders.

Shri A.B.Mirza, Advocate for applicant.
Shri R.S.Nayak, A.P.P. for State- non-applicant.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2017

Heard learned counsel for applicant.

After hearing learned counsel for applicant and
after having gone through the impugned judgment and order
passed by the learned Judicial Magistrate First Class, Washim
so also judgment and order passed by learned Sessions
Judge, Washim in my view rethink is necessary for recording
conviction against the present applicant.

Hence, **Rule.**

Call record and proceedings.

The learned A.P.P. waives the service of notice on
behalf of State-respondent.

CRIMINAL APPLICATION (APPR)NO.187 OF 2017

This is an application for suspension of jail
sentence and for grant of bail. The applicant was convicted for
the offence punishable under Section 324 of the Indian Penal
Code on 15/7/2011 in R.C.C.No.308/2007. By the said

judgment and order of conviction the applicant was convicted for the offence punishable under Section 324 of the Indian penal Code and was directed to suffer R.I. for six months and to pay a fine of Rs.3000/- and in default of payment of fine amount to suffer further R.I. for one month. The appeal carried by the applicant bearing Criminal Appeal No.37/2011 is dismissed by learned Sessions Judge, Washim on 09/08/2017. The complainant was taken into custody and presently is in jail.

Today, this Court has admitted the revision challenging the judgment and order of conviction passed against the present applicant.

The applicant was on bail throughout during the course of trial so also during the pendency of the appeal and at no point of time he is misused the liberty granted to him. Looking to the pendency of the criminal revisions and quantum of punishment in my view, during the pendency of the present revision the substantive jail sentence imposed upon the applicant is required to be suspended and the applicant is entitled to be released on bail. Hence, order.

ORDER

- I) The application is allowed.
- II) The judgment and order of conviction passed by learned Judicial Magistrate First Class, Washim in R.C.C.No.308/2007 dated 15/7/2011 convicting the applicant for the offence punishable under Section 324 of the Indian Penal Code together with Criminal Appeal

the like

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JUDGE