

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

CRIMINAL REVISION APPLICATION NO.134 OF 2017

Anil s/o Shankarrao Mate

..vs..

Lakhanlal s/o Nathulal Gupta and anr

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

Court's or Judge's Order

Shri P.S. Kadam, Counsel for the applicant.

Shri J.Y. Ghurde, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 1, 2017.

Heard learned counsel Shri P.S. Kadam for the
applicant.

Issue notices to the non-applicants, returnable on
29.9.2017.

Learned Additional Public Prosecutor waives
notice.

Criminal Application (APPR) No.188 of 2017

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

The applicant is convicted by learned Magistrate
in Regular Criminal Case No.222 of 1996 for the offences
punishable under Sections 120-B, 420, 468, 471, 197, and 199 read

with Section 34 of the Indian Penal Code. An appeal carried by the applicant bearing Criminal Appeal No.28 of 2011 is partly allowed on 14.8.2017.

Learned counsel for the applicant submits that the applicant has surrendered and is in jail.

The maximum sentence that was awarded by learned Magistrate against the applicant is of two years which stands modified and substantive jail sentence was reduced to one year.

The applicant was on bail through out during the pendency of the Trial so also during the pendency of the appeal and at no point of time there was any misused at his hand in respect of liberty granted to him, is the submission made by learned counsel for the applicant.

Looking to the fact that the applicant was on bail and is aged about 64 years and according to learned counsel for the applicant, the applicant is suffering from paralysis, in my view, during the pendency of the revision, the applicant can be released on bail. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) Substantive jail sentence, which is confirmed by the Lower Appellate Court in Criminal Appeal

No.28 of 2011, shall stand suspended during the pendency of the present revision.

iii) The applicant shall be released on bail on his executing a P.R. Bond in the sum of Rs.10,000/- with two solvent sureties of the like amount.

iv) The applicant shall personally remain present at the time of hearing of the revision.

v) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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