

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

CRIMINAL REVISION APPLICATION NO.140 OF 2017

Pavankumar Kesharao Narwade

..vs..

The State of Mah., thr. P.S. Darati, Tahsil Umarkhed, District Yavatmal

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

Court's or Judge's Order

.....
Shri G.M. Kubade, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 14, 2017.

1. Heard learned counsel Shri G.M. Kubade for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

2. Perusal of the impugned judgment shows that re-think is necessary at the hands of this Court.

3. Hence, **RULE.**

4. Call record and proceedings.

5. Learned Additional Public Prosecutor waives service.

Criminal Application (APPR) No.196 of 2017

1. Heard.

2. This is an application for suspension of

substantive jail sentence imposed upon the applicant and for grant of bail.

3. The applicant is convicted by learned Judicial Magistrate First Class in RCC No.24 of 1999 for the offences punishable under Sections 408, 420, and 468 read with Section 34 of the Indian Penal Code and was directed to suffer jail sentence for one year and also to pay a fine.

4. An appeal was filed by the present applicant bearing Criminal Appeal No.4 of 2013 before the Lower Appellate Court and the Lower Appellate Court vide its judgment dated 28.7.2017 partly allowed the appeal and though the applicant is acquitted of the offence punishable under Section 468 read with Section 34 of the Indian Penal Code, the applicant is convicted for the offences punishable under Sections 408 and 420 of the Indian Penal Code and directed to suffer rigorous imprisonment for one year.

5. This Court today has admitted the present revision. The applicant was on bail throughout during the pendency of the Trial and even during the pendency of the appeal.

6. In that view of the matter, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) The substantive jail sentence imposed upon the applicant shall remain suspended during the pendency of the present revision.

iii) Applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

iv) The applicant shall remain personally present before this Court at the time of final hearing of the present revision.

v) The criminal application is disposed of.

JUDGE

!! BRW !!

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