

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 341 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 341 OF 2018**

1. Navnath s/o Kondiba Jadhav
Age – 40 Years, Occu – Agriculturist
Resident at – Takali, Tal – Madha,
District Solapur.
2. Santosh s/o Kondiba Jadhav
Age – 26 Years, Occu-Agriculturist
3. Uttam s/o Jalinder Nikam
Age – 50 years, Occu-Agriculturist
4. Tanaji s/o Govardhan Nikam
Age-Major, Occu-Agriculturist

Applicant Nos. 2 to 4 are Resident
at – Alegaon, Tal – Madha, District
Solapur.

... Applicants

VERSUS

State of Maharashtra
(At the instance of Solapur Taluka
Police Station, District Solapur.

... Respondent

Mr. Prashant S. Hagare for Applicants.
Mr. A. R. Patil, APP for Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : JULY 9, 2018.

P.C. :

. The Applicants have preferred this Application for suspension of sentence and grant of bail.

2. The Applicants were convicted for the offence punishable under Sections 419 and 420 read with Section 34 of the Indian Penal Code by the Judgment and Order dated 11th August 2014 passed by 6th Joint Judicial Magistrate First Class, Solapur in Regular Criminal Case No. 63 of 2013. They were sentenced to suffer Rigorous Imprisonment for 15 months for the offence punishable under Section 419 of the Indian Penal Code and to pay fine of Rs. 5000/- each. The Applicants were also sentenced to suffer Rigorous Imprisonment for 16 months for the offence punishable under Section 420 of the Indian Penal Code and directed to pay fine of Rs. 10,000/- each.

3. The Applicants preferred Criminal Appeal No. 76 of 2014 before the Sessions Court at Solapur which was partly allowed by the Judgment and Order dated 30th June 2018. The appellate court

maintained the conviction for the aforesaid offences, but reduced the sentence of imprisonment to three months on each count.

4. The learned Advocate for the Applicants submitted that the Applicants are taken in custody on 30th June 2018. It is further submitted that the fine amount as directed by the trial court has been deposited by the Applicants. It is submitted that the Applicants were on bail during the trial and also during the pendency of Appeal. It is submitted that the charge was framed in relation to the incident dated 9th April 2018, although the cause of action was arising out of the incident dated 20th April 2018. It is further submitted that the Investigating Officer was not examined by the prosecution.

5. The learned APP submitted that no prejudice is caused to the Applicants by the charge framed against the same. Objection in relation to the charge was not taken by the Applicants during the trial. It is submitted that there is concurrent finding of two courts against the Applicants.

6. It is noted that the Applicants were on bail during the trial. The sentence of imprisonment has been modified by the Sessions Court by

reducing it to three months on each count. The Applicants are in custody since 30th June 2018. In the circumstances, the case for suspension of sentence and grant of bail is made out. Hence, the following order.

ORDER

- (A) The Criminal Application No. 341 of 2018 is allowed.
- (B) Pending the Criminal Revision Application No. 355 of 2018 the sentence of imprisonment awarded by the court of 6th Joint Judicial Magistrate First Class, Solapur by the Judgment and Order dated 11th August 2014 passed in Regular Criminal Case No. 63 of 2013 which was modified by the Additional Sessions Judge, Solapur by the Judgment and Order dated 30th June 2018 passed in Criminal Appeal No. 76 of 2014 is suspended and the Applicants are directed to be released on bail on furnishing PR Bond in the sum of Rs. 15,000/- each with one or more sureties in the like amount.
- (C) The Applicants are directed to report Solapur Taluka Police Station once in a month on first Saturday of month between 10.00 a.m. to 12.00 noon till further orders.

7. Criminal Application stands disposed of accordingly.
8. Parties to act on the authenticated copy of this order.

(PRAKASH D. NAIK, J.)