

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 441 OF 2018****IN****CRIMINAL REVISION APPLICATION NO. 472 OF 2018**

Shripati Tukaram Lugade

....Applicant

Vs.

State of Maharashtra

....Respondent.

Mr. Paras Yadav for the Applicant.

Mr. A.R. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 18th SEPTEMBER, 2018.****P.C.:-**

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant has been convicted under Sections 279, 304(A) and 337 of the Indian Penal Code to pay a fine of Rs.700/-, in default of payment of fine to further undergo prescribed sentence by the learned Judicial Magistrate, First Class, Court No.6, Kolhapur in SCC No. 2682 of 2009, by its Judgment and Order dated 26th September, 2011.

The Applicant has been further convicted under Sections

177 and 184 of the Motor Vehicles Act and is sentence to pay a total fine of Rs.600/-, in default of payment of fine to further suffer simple imprisonment for prescribed period by the said Judgment and Order by the Trial Court.

3 The Criminal Appeal No. 241 of 2011 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Kolhapur by its Judgment and Order dated 25th July, 2018.

4 The learned counsel appearing for the Applicant submitted that, the Applicant has already deposited the fine amount in the Registry of the Trial Court, at Kolhapur.

5 As the maximum sentence imposed upon the Applicant is six months of simple imprisonment and the possibility of hearing of the present Revision on its own merits in near future is remote, I am inclined to suspend the substantive sentence and release the Applicant on bail.

Hence the following order-

- a) During the pendency of the present Revision, the substantive sentence imposed upon the Applicant is suspended.
- b) During the pendency of the Revision, the

Applicant be released on bail on his furnishing PR
bond of Rs.15,000/- with one or two local sureties
in the like amount.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)