

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.144 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.126 OF 2018
WITH
CRIMINAL REVISION APPLICATION NO.126 OF 2018

Ramesh Badrinath Rathod

Applicant

versus

The State of Maharashtra

Respondents

Mr.Vikas B. Shivarkar for applicant.

Mr.S.R.Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd July 2018

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant has been convicted for offence u/ss.3, 25(1-B)(a) of the Arms Act, 1959. He was sentenced to suffer imprisonment for a period of two years. The applicant preferred an appeal before the Sessions Court which has been dismissed by judgment and order dated 16th February 2018. The applicant was taken into custody to suffer sentence and since then he is in custody.

2. Learned APP has pointed out the report of police which indicate that the applicant was involved in several cases. The wife of the applicant has filed an affidavit giving status of cases registered against the applicant. On perusal of the said affidavit dated 14th June 2018, it appears that the applicant has been acquitted in most of the cases. It is submitted that the case arising out of CR No.421 of

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2005 registered for offence u/s 387 of IPC is pending in the Court. Thus, the affidavit indicate that except one case referred to therein, in all other cases the applicant has been acquitted. The copies of judgments are annexed to the affidavit.

3. It is submitted that the arm which is subject matter of the proceedings was recovered during the course of investigation of another case, which has also resulted in acquittal. However, in the present case, he has been convicted.

4. It is submitted that the applicant is in custody for a period of about five months. The revision application challenging the judgment of conviction has been admitted by this Court.

5. Learned APP opposed the application for suspension of sentence. It is submitted that the applicant is history sheeter and several cases were registered against him. He is habitual offender and the sentence may not be suspended.

6. On perusal of the affidavit tendered by the wife of the applicant it is apparent that in majority of the cases the applicant has been acquitted. The revision application preferred by the applicant has been admitted by this Court. The sentence imposed by the Trial Court and is for a period of two years. The applicant is in custody for a period of about five months. The revision application may not be heard immediately and taking into consideration all the circumstances the sentence can be suspended on certain terms and conditions. Hence, I pass following order :

ORDER

- (i) Criminal Application No.144 of 2018 is allowed;
- (ii) The sentence of imprisonment awarded by JMFC, Pune in RCC No.2423 of 2010 (Old Summary Criminal Case No.2846 of 2007) dated 1st March 2011 which is confirmed by Additional Sessions Judge, Pune in Criminal Appeal No.139 of 2011 by judgment and order dated 16th February 2018, is suspended and the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is directed to report Kothrud Police Station, Pune City, once in a fortnight on first and third Saturday of every month between 10 a.m. and 12 p.m. till further orders;
- (iv) Application disposed of.

(PRAKASH D. NAIK, J.)

MST