

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.258 OF 2018

IN

CRIMINAL REVISION APPLICATION NO.270 OF 2018

Manoj T. Roge and ors. vs. The State of Maharashtra

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| Office Notes, Office Memorandum of<br>Coram, appearances, Court's orders or<br>directions and Registrar's orders | Court's or Judge's orders |
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Mr. Kuldeep Patil for the Applicant.

Mr. Prashant Jadhav, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 22nd May, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicants on bail in RCC No.131/2018.

2. Heard Shri. Patil, learned counsel for the applicants and the learned APP for the State.

3. The applicants are convicted under Section 325 and 506 read with 34 of the Indian Penal Code and are sentenced to suffer maximum rigorous imprisonment for one year and to pay a fine of Rs.3000/-, in default of payment of fine to further under go simple imprisonment for prescribed tenure by the Judicial Magistrate First Class, Alibag, District Raigad in RCC No.131/2008 by its Judgment and Order dated 9.3.2011. The

Criminal Appeal No.49/2011 preferred by the applicants has been partly allowed thereby acquitting them from the offence punishable under Section 506 of the Indian Penal Code and maintaining the conviction and sentence under Section 325 of the Indian Penal Code by the learned Additional Sessions Judge, Alibag by its Judgment and Order dated 7.5.2018.

4. The learned counsel for the applicants submitted that the applicants have already deposited the fine amount in the registry of the Trial Court.

5. As the maximum sentence imposed upon the applicants is one year of rigorous imprisonment and the possibility of revision being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and to release the applicants on bail.

Hence, the following order.

a) During the pendency of the present revision, the substantive sentence imposed upon the applicants is suspended.

b) During the pendency of the revision, the applicants be released on bail in RCC No.131/2018 on their furnishing PR bond of Rs.25,000/-each with one or two solvent local sureties in the like amount.

c) After their release from Jail, the applicants shall mark

their presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00p.m. If the said first Monday is Court holiday/public holiday the applicants shall mark their presence on immediate next day.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)