

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

**CRIMINAL APPLICATION NO. 316 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 337 OF 2018**

Vitthal Baba Khomane	... Applicant
Vs.	
State of Maharashtra	... Respondent.

...

Mr. Ranjeeth Patil for the applicant.
Mr. M.R. Tidke, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 27th JUNE, 2018.

P.C.

1. This is an application for suspension of sentence and grant of bail. The applicant is convicted for an offence punishable under Sections 279, 304-A, 337, 338 of Indian Penal Code. The applicant was acquitted for the offence punishable under Sections 3(1), 181, 66(1) and 192(A) of Motor Vehicles Act. The sentence imposed by the trial Court under Section 304-A was to suffer rigorous imprisonment for four months. The sentence for the other offences imposed by the trial Court was to suffer Rigorous Imprisonment for two months on each count. The appeal preferred by the applicant has been dismissed on 18th June, 2018.

2. The case of the prosecution is that the tempo which was driven by the applicant has collided with the said transport bus. The deceased and other injured persons in the tempo driven by the applicant. As a result of collusion, the victim fell out of the tempo and sustained injury and he died after about seven days. The incident is of the year 1998. The applicant was on bail during the trial as well as during the pendency of appeal. On dismissal of his application, the applicant has been taken into custody on 18th June, 2018 and since then he is undergoing sentence.

3. Taking into consideration and the circumstances as stated above and the points raised in the Revision Application, sentence awarded by the Courts below, the applicant can be released on bail.

4. During pendency of Criminal Revision Application No. 337 of 2018, the sentence of imprisonment imposed by the Court of 4th Judicial Magistrate First Class, Baramati in Summary Criminal Case No. 72 of 1999 vide Judgment and Order dated 11th March, 2011 which was confirmed by the Court of Additional Sessions Judge, Baramati vide Judgment and Order dated 18th June, 2018 passed in Criminal Appeal No. 26 of 2011 is suspended and the applicant is directed to be released on bail by furnishing PR bond

in the sum of Rs.20,000/- with one or more sureties in the like amount.

5. Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)