

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.351 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.362 OF 2018

Nishant Baliram Jadhav	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Ganesh K. Gole for applicant.
Mr.S.R.Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th July 2018

PC :

1. By this application the applicant seeks suspension of sentence and grant of bail pending his revision application before this Court.
2. The revision applicant is convicted for offence u/s 324 of Indian Penal Code by the Court of Judicial Magistrate, First Class, Roha and was sentenced to suffer imprisonment of one year. Thereafter the applicant preferred an appeal before the Sessions Court challenging the said judgment of conviction, which was partly allowed by judgment and order dated 3rd July 2018 and the sentence of imprisonment was reduced to rigorous imprisonment for three months.
3. It is submitted that the applicant was on bail during the trial as well as during pendency of the appeal. He is taken into custody to undergo sentence on dismissal of his appeal on 3rd July 2018.

4. It is submitted that two other co-accused were attributed the role of jointly assaulting the victim along with applicant, who were acquitted by the Trial Court. The axe was allegedly seized from his residence which had no blood stains. The applicant is an agriculturist. No adverse inference can be drawn for having such article at his residence. It is submitted that the injured had stated in his evidence that the applicant had assaulted him on his leg by using axe. It is pointed out that medical documents from the Civil Hospital, at Alibag were not produced. Learned APP submitted that oral evidence of injured is corroborated by medical evidence and there is concurrent findings of two courts against the applicant.

5. Having considered the submissions of both sides and also taking into consideration the fact that the sentence which was modified by Sessions Court is of three months and that the applicant was on bail during the trial as well as during appeal, case for suspension of sentence and grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Application no.351 of 2018 is allowed;
- (ii) During pendency of Criminal Revision Application No.362 of 2018, the sentence of imprisonment awarded by learned Judicial Magistrate, First Class, Roha in Regular Criminal Case No.71 of 2008 vide judgment and order dated 14th November 2008, which was modified by Additional Sessions Judge, Mangaon vide judgment and order dated 3rd July 2018 passed in Criminal Appeal No.52 of 2011, is suspended and the applicant is directed to be released on bail on

furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;

(iii) The applicant is directed to report to the investigating officer of Roha Police Station, District Raigad, once in a month, on every first Saturday of the month, between 10 a.m and 12 p.m till disposal of revision application;

(iv) Criminal Application No.351 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST