

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.371 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.388 OF 2018

Asifali Hasan Rashid Mansuri	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Prashant D. Patil for applicant.

Mr.A.R.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th July 2018

PC :

1. This is an application for suspension of sentence and grant of bail pending Criminal Revision Application No.388 of 2018.

2. The applicant has been convicted for offence u/s 279 as well as Section 304-A of Indian Penal Code. He was sentenced to suffer imprisonment of three months for the offence u/s 279 and imprisonment for six months for the offence u/s 304-A of IPC. The judgment and order dated 21st March 2013 passed by the Trial Court was challenged by preferring an appeal before the Sessions Court, which was dismissed on 21st July 2018.

3. The applicant has been taken in custody after dismissal of the appeal. The case of prosecution is that the applicant was the driver of State Transport Bus. On account of rash and negligent driving,

the incident had occurred wherein the victim, who was a pillion rider on the motorcycle driven by his uncle, had sustained injuries and thereafter he succumbed to the said injuries.

4. Learned counsel for petitioner submitted that evidence on record does not indicate that the applicant was driving rashly or negligently. He pointed out the evidence of witnesses which was adduced before the Court. PW-1 in his cross examination has admitted that construction work of the road was in progress at the time of incident and due to the said work, both sides vehicles were plying at one side of the road. It is submitted that on account of the situation prevailing at the time of alleged incident, the incident had occurred. The applicant was on bail during the trial and also during pendency of the appeal. Learned APP submitted that there is concurrent findings of both the Courts below. The Courts below have convicted the applicant on the basis of evidence.

5. Considering the aforesaid circumstances and the evidence on record, case for suspension of sentence and grant of bail is made out. Hence, I pass following order :

ORDER

(i) Pending hearing and final disposal of Criminal Revision Application No.388 of 2018, the sentence awarded by the Court of learned Judicial Magistrate, First Class, Court No.1, Nashik by judgment and order dated 21st March 2013 passed in Summary Criminal Case No.2198 of 2011, which was confirmed by the Court of Sessions, Nashik vide judgment and order dated 21st July 2018 passed in Criminal Appeal No.36 of 2013, 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;

(ii) Criminal Application No.371 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST