

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

**CRIMINAL APPLICATION No.397 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.415 OF 2018**

Jaysingh Shivram Aaswar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Biju Antony for the Applicant
Ms.Veera Shinde, APP, for the Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: OCTOBER 22, 2018**

P.C.:

1. The applicant/accused is convicted by the impugned judgment and order of the learned Additional Chief Judicial Magistrate, Pune, 24th Court, for the offence punishable under section 409 of the Indian Penal Code and he is sentenced to suffer R.I. for 6 months and payment of fine of Rs.1,000/-. The said judgment and order was confirmed by learned Additional Sessions Judge, Khed Rajgurunagar, Pune, by judgment and order dated 16.7.2018. The learned Additional Sessions Judge has directed the applicant/accused to appear before the learned Additional Chief Judicial Magistrate, Pune to receive sentence on 30.6.2018.

2. The learned Counsel for the applicant/accused submits that the applicant/accused was a Gram Sevak and has defrauded the Panchayat of Rs.3,000/-. He submits that the learned Additional Chief Judicial Magistrate, Khed-Rajgurunagar, suspended the sentence for 10 days. The applicant/accused is out and he has not surrendered before the learned Additional Chief Judicial Magistrate and he has filed this appeal. He prays that the sentence be suspended and he be granted bail, as he was on bail throughout the trial and the appeal period.

3. The learned Prosecutor submits to the orders of the Court.

4. In view of the nature of conviction and sentence and the nature of offence, the impugned conviction and sentence dated 24.4.2007 in RCC No.91/1990 (old RCC No.9/1989) is hereby suspended, pending Revision. The applicant/accused is not present before this Court and, therefore, he is directed to appear before the learned Chief Judicial Magistrate, Pune on Friday, the 26th October, 2018 at 11 am and move application for bail, which is to be entertained by the learned Chief Judicial Magistrate, Pune.

Further, the applicant/accused is directed to pay the amount of fine as ordered by the trial Court.

5. Criminal Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)