

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

**CRIMINAL APPLICATION NO.419 OF 2018
IN
CRI. REVISION APPLICATION NO.425 OF 2018**

Basavraj @ Basveshwar S. Savalgi	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Balwant V. Salunkhe, Advocate for the Applicant.
Mrs.N.S. Jain, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 10, 2018.

P.C. :

This is an application for suspension of sentence and grant of bail. The applicant is convicted for the offence punishable under Section 324 of Indian Penal Code ("IPC", for short), vide judgment and order dated 3rd November, 2015, passed by the Metropolitan Magistrate 27th Court, Mulund, Mumbai. He was sentenced to rigorous imprisonment of six months and also directed to pay fine of Rs.5,000/-. Thereafter, the applicant preferred an Appeal before the Sessions Court, which is dismissed by judgment and order dated 5th July, 2018.

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2 Learned Counsel for the applicant submitted that after dismissal of Appeal, the applicant is taken in custody on 5th July, 2018, and, since then he is undergoing the sentence. It is further submitted that during the pendency of the trial, the applicant was in custody for one month. Thus, the applicant in all has undergone custody of about two months. It is submitted that the incident had arisen on account of difference between the applicant and his wife. The prosecution case is that the applicant had assaulted his wife by knife. The incident had occurred on 14th November, 2002. It is submitted that the wife of the applicant had separated and she is residing separately since then. It is submitted that there are several infirmities in the evidence lead by the prosecution. Learned APP submitted that the applicant is involved in the offence of assaulting his wife and he was convicted by the trial Court, which conviction has been confirmed by the Appellate Court. In the circumstances, bail may not be granted to the applicant.

3 Considering the fact that the incident is of 2002 and the applicant has been sentenced to suffer rigorous imprisonment of six months, out of which two months have already been undergone and considering the submissions on merits of the case,

the impugned judgment can be suspended and bail may be granted to be applicant.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Pending hearing and final disposal of Criminal Revision Application No.425 of 2018, the sentence imposed by judgment and order dated 3rd November, 2015, passed by the Metropolitan Magistrate 27th Court, Mulund, Mumbai in CC No.679/PW/2002, which was confirmed by the Sessions Court vide judgment and order dated 5th July, 2018, passed in Criminal appeal No.1017 of 2015, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or more sureties in the like amount;
- (ii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)