

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.424 OF 2018  
IN  
CRIMINAL REVISION APPLICATION NO.431 OF 2018

Kiran @ Pintya Madhukar Ahire  
versus  
The State of Maharashtra and another

Applicant  
Respondents

Mr.Bhushan U. Deshmukh for applicant.  
Mrs.M.R.Tidke, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14<sup>th</sup> August 2018

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant is convicted for offence u/s 354 of Indian Penal Code and is sentenced to suffer imprisonment for one year. Thereafter the applicant preferred an appeal before the Sessions Court which was dismissed and the applicant was directed to surrender.

2. Learned counsel for applicant submits that the complainant and the applicant had settled the dispute. The settlement was brought to the notice of Appellate Court. The Appellate Court has observed that the offence is non-compoundable and therefore parties cannot be allowed to compound the offence. The applicant was also convicted for other offences which were allowed to be compounded since the said offences were compoundable and the conviction in relation to said offences was set aside.

3. It is further submitted that the complainant is willing to file an affidavit in support of the settlement before this Court. However, the applicant apprehends that he will be arrested on account of dismissal of the appeal by Sessions Court. Hence, I pass following order :

### **ORDER**

(i) Pending hearing and final disposal of Criminal Revision Application No.431 of 2018, the sentence awarded by the Court of Judicial Magistrate, First Class, Pimpalgaon (B), Tal.Niphad, District Nashik in STC No.636 of 2005, dated 9<sup>th</sup> November 2009 and confirmed by Additional Sessions Court, Niphad in Criminal Appeal No.28 of 2010 vide judgment and order dated 24<sup>th</sup> July 2018, 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.424 of 2018 stands disposed off;

(iii) Parties to act on authenticated copy of this order issued by registry of this Court.

(PRAKASH D. NAIK, J.)

MST