

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.45/2018
IN CRIMINAL REVISION NO.31/2018

Natthu Balaji Nannaware (In Jail) ..vs.. State of Maharashtra through PSO
P.S. Durgapur, Dist. Chandrapur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. A. Dhawas, Advocate for applicant.
Mr. N. S. Rao, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 12, 2018

1. Heard Mr. A. A. Dhawas, Advocate for applicant
and Mr. N. S. Rao, A.P.P. for non applicant-State.

2. This is an application under Section 389 of the
Code of Criminal Procedure for suspension of substantive jail
sentence and for grant of bail.

3. The learned trying Magistrate in Regular Criminal
Case No.481/2010 convicted the applicant for an offence
punishable under Section 324 of the Indian Penal Code and
has directed the applicant to suffer simple imprisonment for
one year and to pay a fine of Rs.1,000/- in default to suffer
simple imprisonment for 10 days.

4. Being dissatisfied with the said verdict, Criminal
Appeal No.125/2012 was filed before the appellate Court

and the learned Sessions Judge, Chandrapur on 06.02.2018 dismissed the appeal. Immediately, the applicant was taken into custody and he is in jail from 06.02.2018.

5. The applicant was on bail throughout during the pendency of trial and also during the pendency of the appeal and at no point of time, he has misused the liberty granted to him, is the statement made by the learned counsel for the applicant.

The statement is accepted. Since the revision gives rise to an arguable question, today this Court has admitted the revision.

6. Looking to the quantum of sentence and looking to the pendency of the revisions, in near future, the present revision is not going to be taken up for its final hearing. Thus, the applicant has made out a case for grant of bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.45/2018 is allowed.
- (ii) The substantive jail sentence imposed upon the applicant-Natthu Balaji Nannaware in Regular Criminal Case No.481/2010 decided on 09.11.2012 by 7th Judicial Magistrate First Class, Chandrapur and confirmed in Criminal Appeal No.125/2012 decided on 06.02.2018 by Additional Sessions Judge, Chandrapur shall remain suspended during the pendency of the present revision.

(iii) The applicant-Natthu Balaji Nannaware be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iv) The bail bonds shall be executed before the trial Court. The learned trial Judge shall ensure that the entire fine amount is paid, if not paid earlier.

(v) The applicant shall remain personally present before this Court at the time of hearing of present revision.

The application is disposed of.

JUDGE

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