

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

CRIMINAL REVISION APPLICATION NO.15/2018

Rajesh alias Raja s/o Sudarshan Bharti

..vs..

The State of Mah., thr. P.S.O. Deori, Tahsil Deori, District Gondia

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

Court's or Judge's Order

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Shri S.G. Karmarkar, Counsel for the applicant.

Shri V.A. Thakare, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 23, 2018.

1. Heard learned counsel Shri S.G. Karmarkar for the applicant and learned Additional Public Prosecutor Shri V.A. Thakare for the State.

2. **ADMIT.**

3. Call record and proceedings of both the Courts below.

4. Learned Additional Public Prosecutor Shri V.A. Thakare waives service on behalf of the State.

CRIMINAL APPLICATION (APPR) NO.67/2018

1. Heard.

2. This is an application for suspension of substantive jail sentence and for grant of bail.

3. The applicant is convicted by learned Judicial Magistrate First Class at Deori in SCC No.155/2009 on 10.1.2012 for

the offence punishable under Section 142 of the Bombay Police Act and was directed to suffer simple imprisonment for one year and to pay a fine of Rs.2,000/- and, in default of payment of fine amount, to undergo simple imprisonment for one month.

4. Felt aggrieved by the same, the applicant preferred an appeal bearing Criminal Appeal No.10/2012 and learned Sessions Judge at Gondia on 26.9.2012 dismissed the appeal.

5. The applicant, thereafter, was arrested and is in jail since 4.9.2017, is the statement made by learned Additional Public Prosecutor Shri V.A. Thakare for the Sate.

6. Looking to the facts that the jail sentence is only for one year; the applicant is already behind the bars since 5 months, and the revision is already admitted, the criminal application is allowed, as per orders below:

ORDER

(a) The criminal application is allowed.

(b) Substantive jail sentence imposed upon the applicant by learned Judicial Magistrate First Class at Deori in SCC No.155/2009 on 10.1.2012 and confirmed by learned Sessions Judge at Gondia in Criminal Appeal No.10/2012 on 26.9.2012 shall remain suspended during the pendency of the present criminal revision application.

(c) The applicant be released on bail on his executing a

P.R. Bond in the sum of Rs.5,000/- with one solvent surety of the like amount.

(d) The Court below before whom the bail bond will be executed shall ensure that the applicant has deposited the entire fine amount, if not already paid.

(e) The applicant shall remain personally present at the time of final hearing of the criminal revision application before this Court.

(f) With this, the criminal application is allowed and disposed.

JUDGE

!! BRW !!

...../-